

SENATE—Wednesday, March 1, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Omnipotent God, perfect in truth and justice, to whom all are ultimately accountable, let truth and justice prevail in this place, today and in the days to come. In the name of the incarnate truth, Lord of righteousness. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today at 12 noon the Senate will turn to the consideration of the nomination of Dr. Louis Sullivan to be Secretary of Health and Human Services. The Senate will conduct a 15-minute rollcall vote on that nomination beginning at 1 p.m.

Upon disposition of the Sullivan nomination, it had been my intention to proceed to the Tower nomination. I have just been advised that the nomination of Admiral Watkins to be Secretary of Energy is now out of committee and available for Senate consideration, if unanimous consent can be obtained, and that it appears likely that we will be able to achieve that consent with a 20-minute consideration of the Watkins nomination, followed by a 15-minute rollcall vote.

Therefore, it is my intention, following the consideration of the Sullivan nomination, to seek unanimous consent to proceed to the Watkins nomination for 20 minutes of debate, equally divided, to be followed by a 15-minute rollcall vote.

Mr. President, once the Senate has completed its business today, it is my intention to recess the Senate over until 9:15 a.m. on Thursday, March 2.

On Thursday, a joint meeting of Congress will be held at 10 a.m. in the House Chamber to commemorate the 200th anniversary of the first meeting of Congress. At 9:45 a.m., the Senate will proceed as a body to the House Chamber for the joint meeting.

Mr. President, I inquire of the distinguished Republican leader whether he has any objection to the schedule as I have indicated and, particularly, to proceeding to consideration of the Tower nomination, which, as he knows, I announced last week following consultation with him, and have since repeatedly stated was my intention.

Mr. DOLE. Mr. President, as I understand, we will do the Sullivan nomination and then the Watkins nomination, and then it would be the majority leader's hope to proceed to the Tower nomination. I can indicate to the majority leader that I will be meeting with some of my colleagues, hopefully, between 1 and 2 o'clock, and I would be in a position to indicate to him at that time whether we can proceed to the Tower nomination today or tomorrow.

I think we probably can waive part of the 48-hour rule, and we may be able to waive it all, but I will be in a position to indicate that to the majority leader, I hope, by 2 or 2:30.

Mr. MITCHELL. Under the schedule outlined, we should complete action on Watkins close to 2, so it is probably best and appropriate that we defer consideration until about 2, and at that time, I hope to hear from the distinguished leader.

Mr. DOLE. I might also ask the majority leader something we may want to discuss later on, that if we proceed to the Tower nomination, either today or tomorrow, will we be in session on Friday, and could there be votes on Friday and then Monday? That is something we can discuss later.

Mr. MITCHELL. That is fine. I will look forward to that.

NOMINATION OF JOHN G. TOWER TO BE SECRETARY OF DEFENSE

Mr. MITCHELL. Mr. President, when the Senate votes on the nomination of John Tower to be Secretary of Defense, I will cast my vote against confirmation of the nomination.

The threshold question each of us must answer is, What standard do we apply to nominations? The Constitution specifies none. No law prescribes one. In the end, each of us is left to his or her own conscience and interpretation of history.

In researching this question in connection with a prior nomination, I came across the following statement by the author G. Calvin MacKenzie in his book entitled "The Politics of Presidential Appointments." I offer it for consideration by all Senators:

The most elementary of the purposes for which the confirmation process is used is that of examining and passing judgment on the character and competence of the President's nominees. Evaluating nominees is not, however, a simple matter. For one thing, most of the individuals nominated by the President are intelligent and accomplished members of the political, economic, or academic communities. In recent times, at least, most nominees would satisfy even the most stringent minimum qualifications for public service. And yet the question that must be asked by the Senate is not whether these are "good" men or "good" women, but whether a particular individual possesses the necessary and appropriate qualifications to serve in a particular position. The question of "fitness" thus has both a general and a specific component. Nominees are expected to be persons of high integrity and proven ability, but they are also expected to have acquired the appropriate training, insight, and sensitivity for service in a specific government office.

The task of nominee evaluation is further complicated by the fact that there is not now, nor has there ever been, any universally accepted qualifying standard for public service, any consistent set of criteria for judging fitness. There are a few specific criteria that apply to particular positions, some statutory and some traditional. But the President is as aware of these as the members of the Senate and rarely fails to nominate someone who satisfies these well-recognized standards. The difficulty occurs in those hazy areas where the standards are not set in the concrete of tradition or law. When judgment must be passed on an individual's past performance, his personal and financial integrity, the level of his competence, and his political acumen, then Senators have to make decisions for which there are few exact precedents and even fewer useful guidelines.

There is, therefore, much inconsistency in the manner in which Senate committees evaluate the personal qualifications of the nominees who come before them. The level of concern with a particular nomination and the criteria by which it is judged are very often affected by the mood of the moment. A criterion stringently applied one year may be all but forgotten the next. For those who like consistency and tidiness in governmental processes, there is nothing quite so dismaying as this ad hoc quality of confirma-

tion decisions. In spite of this persistent inconsistency, however, the task of evaluating nominees is marked by several recurring themes. Most of the expressed concerns about the personal qualifications of nominees fall into three broad areas: conflict of interest, character and integrity, and professional competence or experience.

That is the end of the quotation from Professor MacKenzie's book.

Senator Tower has had a long career in public service, as a Senator from Texas, as head of the Commission which undertook the first outside review of the Iran-Contra affair, and as one of our chief arms negotiators in Geneva. Senator Tower has an extensive knowledge of defense programs and of the operations of our Nation's military forces. He possesses the experience and many of the skills we seek in a Secretary of Defense. But credentials as a defense expert are not the sole basis on which to assess the nominee.

I have reviewed the record on this nomination carefully. I have examined the Armed Services Committee's records and reports. I have read the extensive FBI background report in its entirety. After this study, I am persuaded that John Tower should not be confirmed as Secretary of Defense.

This is not a decision I make easily or lightly. I believe that the President has broad authority to select the Cabinet members of his choice. Acting on this principle, I have supported all previous Cabinet nominations of President Bush.

Under the Constitution the President has the prerogative to nominate Cabinet members. That does not mean, however, that the Senate's role in the confirmation process is automatically to approve each Presidential nominee. The Senate must evaluate the nominee's behavior and standards as well as his ability to discharge properly the duties of the office. Only after this careful assessment can each Senator make a final evaluation on whether the nominee should serve in one of the most responsible positions of our Government.

The Committee on Armed Services has conducted an exhaustive review of this nominee's background and record. Chairman SAM NUNN and the other members of the committee studied the evidence in great detail. The committee and Chairman NUNN insisted that facts be the basis for the committee's report and actions with respect to this nomination. The results of the committee's efforts are available for all Senators to examine, and I urge them to do so. I commend Senator NUNN and Senator WARNER and other members of the committee for the responsible job they have done.

I especially commend Senator NUNN. He has handled a difficult and delicate matter with restraint and fairness. It is SAM NUNN's unique qualities of intelligence, thoroughness, and thought-

fulness that have, with good reason, made him one of the most respected Members—if not the most respected Member—of the Senate.

Now the Senate as a whole must decide this nomination.

It has been said that those who oppose the Tower nomination are unfairly imposing standards which have not been applied to Members of the Senate. But it is not moral perfection or the qualifications of Senators that are at issue here. It is the ability to serve effectively in a position of unique power and responsibility. It is, therefore, unfair to require that of someone who would be Secretary of Defense—directly in the chain of command of the most powerful military force in human history.

The Secretary of Defense will be required in the next 4 years to lead the Department through difficult changes. Public confidence in the integrity of the defense procurement and management system must be restored. Decisions must be made on programs which will involve billions of dollars and which could have profound effects on the Federal budget and on the balance sheets of many defense contractors.

Immediately after leaving the Government as chief negotiator on strategic arms, Senator Tower formed close consulting relationships with numerous defense contractors. He earned a great deal of money in less than 3 years advising these companies about the possible impact of Government decisions on their business. He received payment while it was widely assumed that he might be a nominee for Secretary of Defense.

Senator Tower's decision to embark on such a course can at best be described as one of indifference to the potential conflicts or appearance of conflicts which such relationships could engender. The willingness to enter into business relationships of this type raises profound questions about the nominee's ability to separate private and public interests, or to remain objective when future decisions must be made.

Defense News, a newspaper widely respected for its coverage of the Pentagon and defense issues, summarized these problems as follows:

After 24 years in the Senate, Mr. Tower also understands the link between the public's perception and its support for defense. His decision to become a defense consultant was an explicit statement about the path he had chosen for himself.

Defense News further argued:

The principal task of the next defense secretary is to build public confidence that the Pentagon is being well managed and that defense dollars are being carefully spent. The defense secretary must be an independent voice of force, authority and reason.

There is ample reason to doubt whether Mr. Tower is the man for these times.

Other newspapers knowledgeable about the defense business have raised similar objections. Navy Times notes that the Secretary of Defense should be of "upstanding character," and concludes that Senator Tower does not measure up. The Air Force Times has termed John Tower "not credible." Army Times characterized as "appalling" the "speed and greed with which Tower spun through the revolving door."

That is a quotation.

Each of these publications which specialize in defense coverage has called for Senator Tower to step aside.

Public officials have a right to a private life. They do not have a right to engage publicly in behavior which could interfere with the discharge of their public duties. A single lapse in judgment—or perhaps even a few—should not disqualify an individual from public service. But when the lapses in judgment form a pattern of many incidents spanning many years, and when there is insufficient evidence to demonstrate that the pattern has been broken, then there are reasonable grounds to question whether the individual possesses the qualities necessary for the uniquely demanding job of Secretary of Defense. In my view, these questions have not been satisfactorily resolved in this case.

There is overwhelming evidence that Senator Tower at one time used alcohol to excess. Indeed, after initial denials, both the nominee and the White House have reversed their positions and now acknowledge this fact. That being the case, it is reasonable and prudent to require convincing evidence that the excessive use has stopped and that it will not recur. Such evidence must consist of more than a pledge or a promise. It must be reflected in the individual's behavior. Again, the record in Senator Tower's case is not persuasive.

Viewed in the light most favorable to Senator Tower, the evidence of his actions in recent years is conflicting. There is credible, direct, eye-witness testimony about his conduct from a wide variety of persons who have nothing in common and no apparent reason to make false statements. In most—but not all—instances, there are statements to the contrary.

This is a difficult decision which must be made after reviewing a conflicting record. Reasonable people may read the same record and reach different conclusions, but there is surely no basis for the claims by some of the nominee's supporters that there is nothing but rumor and innuendo in the record.

It is only after careful study of this record that I have concluded that John Tower is not the man to provide leadership by example to the military and civilian employees of the Depart-

ment of Defense, especially in the difficult job of reforming the Pentagon's administration and procurement practices in a period of budget stringency.

It is with great sadness that I have come to this conclusion. I know and have worked with John Tower. I regret deeply the ordeal he and his family have endured.

I emphasize that this is a personal decision. I reached this decision only after thorough review and analysis of the record. I do not believe any Senator's decision should be based upon partisan considerations. This is a personal decision for each Senator to make, based solely upon what each believes to be in the best interests of the Nation.

Yesterday morning, I met with President Bush. I expressed to him the hope that the outcome of this nomination would not have an adverse impact on relations between the President and Congress. I recalled the President's statement in Japan, noting his continued commitment to bipartisanship. I assured him that it is my intention to continue to work together with the administration in addressing the critical problems which face our Nation, regardless of the outcome of the vote on the Tower nomination. I hope my colleagues, whatever their vote on this issue, will share the attitude which the President and I have expressed.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized.

The majority leader's time under the order expired and his 5 minutes under morning business likewise expired.

The Senate is in morning business, but the Chair recognizes the Republican leader under the order.

Mr. DOLE. Mr. President, if I might yield 5 minutes of my leader's time to the Senator from Colorado [Mr. ARMSTRONG] and then reserve the remainder of the time.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. ARMSTRONG] is recognized for 5 minutes.

Mr. MITCHELL. Will the Senator yield for just a minute?

Mr. ARMSTRONG. Yes.

Mr. MITCHELL. Mr. President, I would like to say that I exceeded my leader's time and, in fairness, I ask unanimous consent that the distinguished Republican leader be given an equal amount of time if he chooses under leader time.

Mr. DOLE. I thank the Senator.

The PRESIDENT pro tempore. Without objection, the Republican leader will control 15 minutes. The time for morning business will expire at 12 noon but, under the order, the Senate will proceed in executive ses-

sion at the expiration of the Republican leader's time.

Mr. ARMSTRONG. Mr. President, I am grateful to the Republican leader for yielding me time. Do I also have reserved to me 5 minutes of my own time under a previous order?

The PRESIDENT pro tempore. Only by unanimous consent.

Mr. ARMSTRONG. I thank the Chair. I do ask unanimous consent, since it is my desire to proceed for 10 minutes in all.

The PRESIDENT pro tempore. The Chair will inquire then, is the Senator from Colorado asking for 10 minutes in addition to the 5 minutes yielded by the Republican leader?

Mr. ARMSTRONG. Five and five, Mr. President, for a total of 10 minutes.

The PRESIDENT pro tempore. Very well, then, the time for the Senate to go into executive session is thereby extended accordingly.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. ARMSTRONG. Mr. President, I think we are about to go seriously off the rails on this Tower nomination. I am, I must say, distressed by what I have heard from the Democratic leader and even more distressed by what I have been reading in the press, the statements attributed not only to the Members of the Democratic Party but to some of my own colleagues.

It may be that I am the only one who holds the view I am about to express, but, by gosh, there comes a time when you have just got to say how you feel. I think we are making a big mistake.

I raise the question not only because of my concern and regard and affection for John Tower, but for a much larger question of what we are doing to the process by which the Senate considers and either confirms or rejects nominees.

Here is where I am coming from, Mr. President. First of all, I start out with the predisposition to vote for the nominee of the President of the United States, whether it is George Bush, or Ronald Reagan, or Jimmy Carter, or Gerald Ford, or whoever it is. If the President sends up a nominee to serve in his Cabinet, I start with the supposition that I am going to vote for that nominee because the President sent him up here. And I think that is probably the universal opinion of every Senator; that we start with a predisposition to support the nominee.

Therefore, if somebody has some reason why we should not support a nominee, why we should on only the ninth occasion in the history of this country turn down a Cabinet recommendation of the President, they better have a pretty good reason. And, in my view, it ought to be a specific

reason. It ought not to be general. It ought not to be innuendo. It ought not to be aired in the press or on television. It ought to be reported in the Senate in a very direct, official, formal manner.

What I fear, as we begin the debate on this matter, whether it is this afternoon at 1 or tomorrow at 2 or next Tuesday, or whenever we get to it, is that instead of having that kind of thoughtful presentation of the issues, of the arguments against Senator Tower's confirmation, that in fact so many Senators have already prejudged the matter, have come down here and, on the basis of information which seems pretty sketchy to me, have made a decision that they are either for him or against him. And I regret it, Mr. President.

In fact, the purpose for my rising is to suggest that the Armed Services Committee needs to do its homework.

Now, the President has sent up the nominee. I am not here to tell you John Tower is the best nominee. He is the only nominee. Mr. Bush did not seek my advice as to whether or not to appoint him. If he had, I would have given my advice. But that is not the question before Senators.

The question before Senators is not whether or not he is the best available nominee or the best potential nominee. The question is whether or not he meets some kind of still to be defined minimum standard so that the President's choice can be approved. And if you start, as I do—and I bothered to do some reading into what Senators have said about this over the last couple hundred years, and I think this is the consensus position not only of sitting Senators but of the 1,800 or so who have preceded us in this Chamber—the President deserves to have his nominee confirmed unless there is a very, very strong reason to the contrary.

Now, Mr. President, the Democratic leader has referred in his remarks—and I think I am quoting accurately, because I made a note of it as he did so—to numerous lapses of judgment on behalf of the nominee. If that is true, we are entitled to know specifically what those are.

The Democratic leader has referred to "credible, direct eyewitness testimony," his words. And if that is true, we are entitled to know the names, dates, and places on which these eyewitness episodes occurred. I want to know who they are.

Mr. President, the thing that distresses me and which prompted me to come over here to speak today is the committee report. It is not, I guess, off the press, but I have what purports to be the final draft which has been sent for typesetting. Mr. President, it is very, very thin.

I said at the outset I have great respect for the President and great deference to him in the exercise of his prerogatives. But I will tell you something else. I have a lot of respect for the Senate Armed Services Committee. I am not one of the Senators who automatically said that he was going to support John Tower or anybody else. If the Armed Services Committee says that we ought to reject that nomination, I think Senators have a duty to consider the information, the opinions, the evidence that the committee wants to submit. And that is why, for the last couple of days, my staff and I have been phoning, on about an hourly basis, to get a copy of this Armed Services Committee report.

Mr. President, there is not anything in here. I am not telling you there may not be evidence, and my hope is that if such evidence exists it will be submitted to the Senate in open session. But thus far, based on the committee report, which is where that kind of information and specific allegations, let alone proof and evidence, should be submitted, it just is not there.

Now, the committee has raised three—I am referring now to page 10 of the typewritten draft—has raised three questions: excessive use of alcohol, provision of consulting services on what the committee deems to be an improper basis, and a number of incidents of indiscreet behavior toward women.

When you sift through the report, here is what it comes down to. It comes down to the fact that, according to the committee, there are not any instances that they refer to in which Senator Tower was impaired in the conduct of his duties as a Senator, as an arms negotiator, or in any official capacity that is mentioned in here so far as I can see where his performance of his duties was impaired through the use of alcohol. Indeed, while it is not contained in the committee report, I have reviewed within the last several days the statements of a dozen or more Senators that are to the contrary, those who have served with him and know him who tell about their experiences when he was the chairman of the Armed Services Committee about how long he could stay up at night to negotiate a conference report, even round-the-clock, day after day for 10 or 12 days. And he gets high marks from those who observed him.

Now somebody said back in the 1970's, he had a drinking problem. I do not know whether that is true. I never knew John Tower very well until I came to the Senate in 1979 and I will just stand up and be counted with all the other Senators who have said: I never saw him when I thought he was intoxicated. I cannot tell you he was not. I am just telling you I never saw it. And if somebody did and they think

it is a serious enough issue to make the point, then they ought to come to the floor and tell us not just that it might have happened some time but when and where.

Let me just read a paragraph from page 14 of the committee report draft.

The committee determined that Senator Tower's excessive use of alcohol would disqualify him from being assigned to many sensitive positions in the Department of Defense.

It goes on from there. If that is true and if there is, as the Democratic leader says, credible, direct, eyewitness testimony, then by gosh, Mr. President, Senators ought to have that information and it ought to be made available in public, not up in room S-407. I have heard a lot of rumors about what is up in room S-407. Up in the attic they have 70 or 800 pages of FBI reports and I suppose before this is over that I am probably going to have to go up and look through that stuff but I do not think Senators ought to have to do that as a way to form a judgment on a matter of public business which is being conducted here. And we are conducting public business.

Again, the Democratic leader has made the point that the record is there and it is a matter about which reasonable people may disagree. But reasonable people cannot form an opinion if it is a secret record.

Mr. President, it is not just John Tower who is being judged here. It is the Senate. It is every Senator. Every Senator will have to be judged by his colleagues and by his staff and by his friends and by his family and by his constituents by how he votes. How can we properly be judged, let alone how can John Tower be judged fairly, if it is all based on something that is a big secret?

The second issue which is addressed in the committee report is the question of Mr. Tower's attitude or behavior toward women. The committee report again deals with opinions. If there are facts to back up the opinions, I, for one, will take those facts seriously and consider them.

I am not one of those who thinks we ought to just dismiss such matters as being irrelevant. Nor, Mr. President, may I say, do I share the opinion of the committee minority which says that something that occurs outside the context of an official setting is not to be considered.

I want to distinguish my viewpoint from that of my fellow Republicans who serve on the committee. They, the committee minority, say that only a limited portion of the nominee's personal relationships with members of the opposite sex is properly subject to review and concern by the committee in judging a nominee's fitness.

I do not quite go along with that and I want to read another paragraph and

explain how I would distinguish my own view. The committee minority writes:

Beyond the issue of work and professional relationships which are clearly relevant to a nominee's fitness to serve as an official in the Department of Defense, we believe that a nominee's relationships with members of the opposite sex are properly treated as private and are not subject to committee's scrutiny.

I think everyone, even Cabinet officers or Senators, deserves a healthy presumption of privacy. But I really do not go along with that point of view. If there is information that in some private relationship a nominee has violated some pledge or has behaved in a way that is improper or sets a low standard of public morality, then I think when a nominee is being considered for a post like Secretary of Defense, or for that matter Senator, that that is fair game.

I want to say this just right. We had, not too long ago, a political figure from my State whose political career was abruptly ended because of an allegation of an improper relationship with a person of the opposite sex. I am not insensitive to that in the case of Senator Tower. If there is something in the record I am going to take that into account. But the difference between the case involving the Colorado figure that I referred to a moment ago and this case is striking.

Our former colleague, who was a candidate for President, was forced to withdraw or at least did withdraw following an episode in which all the facts were on the public record.

Mr. President, I see you are about to bang the gavel. May I beg the indulgence of my leader for 5 additional minutes?

The PRESIDING OFFICER (Mr. SHELBY). I would inform the Senator from Colorado that he has used 10 minutes. I would like to know if the Republican leader has yielded 5 minutes or 10 minutes?

Mr. DOLE. I yielded 5 minutes. I got unanimous consent for 5 minutes.

The PRESIDING OFFICER. The leader has 10 minutes remaining.

Mr. ARMSTRONG. May I have 5 additional minutes?

Mr. DOLE. I will yield the remaining 10 minutes, 5 minutes to the Senator from Colorado and 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. ARMSTRONG. I thank my leader.

The point I want to make is that whatever anybody else may think, I believe such issues are fair game; that they are factors for consideration. That is not to say that one lapse or two lapses, human nature being what it is, is disqualifying. But it is a fair

standard on which judgments may be made.

But the distinction I want to draw is, in the case I have just cited, we are talking about a specific instance which occurred on a date which was specified at a time which was specified in front of witnesses who came forward and whose names were known and who published stories. In fact, there was a picture that was published.

In the Tower case we are talking about allegations which are hinted at but never even made. It is not that the allegations are unproven. In the committee's report they are not even really made. There is not anything specific that Senator Tower is said to have done.

I believe, and I really plead with my colleagues on the Armed Services Committee, it is your duty if you have that kind of information to bring it forward. If you do not, then, by gosh, I think it is your duty to back off.

What about the notion which appears, by the way, in both the majority and minority reports, that we ought to keep this FBI report secret? I am not saying publish the FBI report. That is just a lot of raw investigatory material. I am saying, whatever the committee took into account in reaching its extraordinary recommendation ought to be specified. Lay it out.

If there is something that he did specifically, what is it? So that we can make a judgment and so the nominee can be judged and so that the country can hold us accountable for the stewardship of our task.

That applies to drinking. It applies to behavior toward women. And it applies to the question of improper relationships with defense contractors. What is it, specifically, that is objected to?

I am prepared to look at that. If there is something there, I will make a judgment on it and stand up to be counted.

What about the notion that somehow classified information like this has to be kept secret? Is it not just like defense secrets that we keep classified? Well, of course not. We keep information about the national defense classified to protect intelligence operatives and national technical means of gathering intelligence data, as well as to keep exactly what we know from the scrutiny of other nations. Nothing like that is involved here.

This is a case of a person's character and background and behavior. He is entitled to a fair and open trial in the court of public opinion, and he cannot get it if all this stuff is up there and there is a bunch of guys going up to room S-407 and reading it. They are, I am told, denied the opportunity to even make notes and then they go out and leak it to the press.

That brings me to one more thing that is sticking in my craw and this is

addressed to my Republican colleagues in the committee. There is not, in the minority report, any specific reference to why the rumors which have appeared should not be believed. Maybe it is asking too much that the committee report ought to address rumors, but in fact there are a number of things that leaked, appeared in the popular press, and have even been referred to here on the floor.

One involves some guy who held himself out to be a doctor and said he has some information relevant to the case and then it turned out he had five aliases. I want those facts in the committee report or a part of the official proceedings of this body.

Another episode, I am told, we have all heard this—I guess this has been published, too—that somebody came forward and said: We saw Senator Tower intoxicated on such and such occasion in such and such place and there were three such episodes. In each of those cases he was either out of the country, in Pakistan or Seattle or something.

Mr. President, I guess I have had my say. I did not really expect to speak of this. Maybe there is one more point I should make.

Some people have whispered in my ear that we all ought to get behind John Tower because there is a lot of hypocrisy on the committee. I do not think that is a reason to be for John Tower. We can all make our own judgments of whether or not Senators are hypocritical. I guess some of us are sometime. I, probably, might have been once or twice. Maybe every one of us have been on some occasion. That is not the issue. The rumors are not the issue. The innuendos are not the issue.

In my opinion the only proper basis for making this judgment is facts specifically and openly presented and that has not happened yet. When it does I am ready to listen, but if it does not, I think the Armed Services Committee ought to back off.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support John Tower for Secretary of Defense because I know he is honest and able, based upon my personal experience with him in the U.S. Senate and on this floor.

Had the FBI investigation or the Armed Services Committee hearings established disqualifying evidence, I would not have hesitated to do my constitutional duty not to consent to his nomination. I, personally, strongly object to the current myth that perceptions become the facts. We in the Senate have a duty to analyze allegation and to find the facts.

The Senate is being asked to evaluate a man reasonably well known to most Senators. I have seen John Tower on this floor in all-night ses-

sions under difficult, trying circumstances, demonstrating the capacity for serious, sober work.

While none of us can personally vouch for all his personal activities 24 hours a day over many years, I believe I know him well enough to conclude that he would not allow prior relationships with contractors to affect his honest judgment and that he would maintain himself in the sober condition to make the important decisions required of the Secretary of Defense.

For myself, John Tower did not need to make an additional pledge because a warrant of sobriety is implicit in his oath of office. I know more about John Tower to express a positive evaluation of his capacity and competency to be Secretary of Defense than I know about almost all other nominees up for confirmation.

This nomination has an especially strong Presidential imprimatur because President Bush himself knows John Tower so well from decades of personal association. The President has a unique basis to evaluate John Tower's integrity and sobriety which should accord even greater weight to the customary presumption in favor of the President's Cabinet choices. Given the President's responsibility as Commander in Chief and his election mandate, his choice should be rejected only in the face of unambiguous evidence. This is not a lifetime court appointment, but an executive subordinate whom the President can fire at any time he decides his appointee is unfit to discharge his duties.

Were John Tower to drink in excess, given the facts of this matter it would be known wherever it happened worldwide virtually instantaneously.

John Tower has a special quality of toughness that may not have enhanced his popularity with fellow Senators. I personally observed that when he tenaciously, if not acerbically during the course of floor debate, fought my 1982 summit resolution. His toughness or strength, though, is an admirable quality in the individual whose Department must be prepared to square off with our Nation's enemies.

An impartial observer, Mr. President, would be skeptical, if not suspect, that his former Democratic colleagues, who were so lavish in their praise of Senator Tower, now find him unacceptable when a new administration seeks to establish his authority and power. Perhaps it is a backhanded compliment to his strength that as Secretary of Defense no one but John Tower, subject only to the President, would be running that Department. At a time when the Defense budget may have to be cut, no one would give greater credibility or confidence than John Tower to any such cuts, much

like President Nixon's unique stature in "Going to China."

Mr. President, today, I repeat a concern which I have expressed on other nominations urging to refrain from making judgments before all the evidence has been presented. I believe it is prejudicial and unwarranted and really inappropriate for Senators to say how they would vote if the vote were held "today" or at any particular time before all the evidence has been submitted. The nominee is entitled to have all the evidence considered before a judgment, however tentatively articulated, is expressed.

Mr. President, I thank the distinguished Republican leader for yielding this time. I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

ADM. JAMES WATKINS NOMINATION

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request with respect to the consideration of the nomination of Admiral Watkins, which I believe has been cleared by the distinguished Republican leader.

Mr. President, as in executive session, I ask unanimous consent that today, Wednesday, March 1, following the vote on the nomination of Louis Sullivan, the Senate proceed to the nomination of Adm. James Watkins to be Secretary of Energy, under a time agreement of 20 minutes equally divided between the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Idaho [Mr. McCURE] or their designees.

Provided that no motions be in order and that following the yielding back of time, the Senate proceed without any intervening business to a 15-minute vote on the nomination.

Provided further, that upon the disposition of the nomination, the motion to reconsider be laid upon the table and the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I ask unanimous consent that it be in order to request for the yeas and nays on the Watkins nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. I ask for the yeas and nays on the Watkins nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

TRIBUTE TO OLIVER C. DAWSON

Mr. THURMOND. Mr. President, on Thursday, February 9, 1989, the State of South Carolina lost a champion

among men with the death of Oliver C. Dawson. A man who was well known in our State, Oliver Dawson served with dedication and integrity for more than 40 years and a professor, athletic director, coach, and administrator at South Carolina State College.

Coach Dawson was born in Thomas-ton, GA, and attended John Carroll University in Cleveland, OH, where he excelled in sports. He was the school's No. 1 singles player in tennis, an all-star guard in basketball, a fullback on the football team, a recordbreaking track star and the State of Ohio's heavyweight boxing champion. He later earned his undergraduate degree from South Carolina State College in 1936, and went on to receive a master's degree from New York University in 1947.

While at South Carolina State College, Coach Dawson coached five sports and won championships in four of them. Under his leadership as head basketball coach, in 1943, the South Carolina State Bulldogs won their first Southern Intercollegiate Athletic Conference [SIAC] title. Four additional [SIAC] titles were added to the college's expanding trophy case by the college golf team, which was founded by Coach Dawson. As the school's head football coach in 1947, Coach Dawson led the team to an undefeated season which propelled them into the national championship for black colleges and universities.

Coach Dawson's contributions to the State of South Carolina and to South Carolina State College were not limited to the field of athletics. In fact, Coach Dawson may have left his greatest legacy to the State in the many lives he touched and influenced throughout his long career as a coach and teacher. It was not uncommon for Coach Dawson to end his busy day visiting sick students in their dormitories, or tutoring young athletes when they were having difficulties with their studies. Many of our State's finest citizens were once the benefactors of this man's untiring faith in the boundless potential of our youth.

Throughout his life, Coach Dawson was justly recognized for his contributions. In 1974, he became the first black inducted into the South Carolina Athletic Hall of Fame, and in 1983 he became a charter member of the South Carolina State College Athletic Hall of Fame. In 1984, he was further recognized as the first black inducted into the John Carroll University Athletic Hall of Fame, and in that same year, South Carolina State College's 15,000 seat football stadium was renamed in his honor.

A man of unlimited energy who was blessed with vision and a genuine love for his fellow man, Oliver Dawson will be greatly missed and long remembered by the people of South Carolina

and the many graduates of South Carolina State College.

I extend my deepest sympathy to Coach Dawson's beloved wife, Mrs. Garcia Waterman Dawson, his daughter, Mrs. Maria D. James of Wayne, PA, and his sister, Mrs. Eddie Bell White of Cleveland.

Mr. President, I ask unanimous consent that certain newspaper articles concerning Coach Dawson be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Orangeburg (SC) Times and Democrat, Feb. 11, 1989]

COACH OLIVER DAWSON—WITH HIS DEATH AT AGE 78, SOUTH CAROLINA SAYS GOODBYE TO SPORTS LEGEND

February is Black History Month, an observance dedicated to widening knowledge of and deepening understanding of the roles African-Americans have played in American history. It is the life story of people such as Oliver C. Dawson, a South Carolina coaching legend, that should be brought to the fore during the observance, for Dawson inspired thousands of young people.

Sadly, it is during this special month that Orangeburg and South Carolina must say goodbye to Oliver Cromwell Dawson, better known to many by his nickname "Bull" Dawson. The longtime South Carolina State College coach died Thursday at the age of 78.

Coach Dawson's is a story of hard work, individual athletic success and coaching success—the goals so many strive for in the sports world. But he was more. In fact, his work with the athletes, students and the community earned him the honor, in 1974, of being the first black man to be inducted into the South Carolina Athletic Hall of Fame.

As a young man in Ohio, Dawson was a star athlete, with noteworthy successes in football, basketball, track, boxing and tennis. His achievements at John Carroll University earned him a spot in that school's athletic hall of fame.

But it was at South Carolina State where Coach Dawson made his most lasting mark. In the words of retired S.C. State President M. Maceo Nance, "He was Mr. Athletics at South Carolina State College."

Dawson came to S.C. State in 1935. Until his retirement in 1976, he coached five major sports: football, basketball, tennis, track and golf. He won championships in four, with his 1947 football team going undefeated and winning a national title among predominantly black colleges. He was athletic director for 16 years. The college honored his achievements by naming the football stadium "Oliver C. Dawson Bulldog Stadium" in his honor in 1984, and he is a member of the S.C. State Athletic Hall of Fame.

At S.C. State, though, Dawson was more than a coach and athletic leader. He taught as a professor of health and physical education, initiating the professional program in health and physical ed in 1947 and serving as department chairman for 30 years.

Dr. Nance, who was a student in one of Dawson's history classes at S.C. State in 1942-43, says it was in his athletic and teaching duties that Coach Dawson came to be known as "Bull." It was an appropriate

nickname for a man who was a strong disciplinarian. But Nance says Dawson "was not as tough as the image he projected." He cared deeply about those he coached and taught, and those he worked with. He spent a lot of time with the students and athletes, and didn't stop at retirement in 1976. Even after that, he coached the S.C. State golf team.

Dr. Nance knew Coach Dawson well. The former school president was on the S.C. Athletic Hall of Fame committee when Dawson was selected for induction, an honor Dr. Nance says was a source of particular pride for "Bull" Dawson. But really, it is South Carolina that can take pride in having had the services of Coach Dawson for much of his lifetime.

During this Black History Month and afterward, the accomplishments of men such as Oliver C. Dawson should be remembered and honored. "Bull" Dawson will be missed.

[From the Orangeburg (SC) Times and Democrat, Feb. 10, 1989]

FUNERAL TO BE MONDAY FOR S.C. STATE COACHING LEGEND OLIVER DAWSON

The funeral for Oliver Cromwell "Ollie" Dawson, legendary South Carolina State College coach and athletic director, is scheduled for 2:30 p.m. Monday at St. Luke Presbyterian Church.

The Rev. David Blackshear will officiate. Entombment will be at Mausoleum of the Good Shepherd at Belleville Memorial Gardens. The casket will be placed in the church at noon.

Mr. Dawson, of Belleville Road, Orangeburg, died Thursday at The Regional Medical Center after an extended illness. He was 78.

He was born in Thomaston, Ga., and grew up in Cleveland. He had a long and unparalleled career as a professor, coach, athletic director and administrator at S.C. State.

Affectionately known as "Ollie, the Man for All Seasons," Mr. Dawson came to S.C. State in 1935 and attained legendary status at the Orangeburg institution before retiring in 1976.

During his 41-year tenure, he coached five sports, winning championships in four of them: football, basketball, tennis and golf. He also coached track and field for the Bulldogs.

Mr. Dawson served as a Bulldog assistant football coach in 1936 and was named head coach the following year. He held the position until 1950, with his teams consistently finishing in the upper division of the Southern Intercollegiate Athletic Conference (SIAC). In 1947, his squad was undefeated and played for the national championships for black colleges and universities.

He coached basketball for 11 seasons and brought the school its first SIAC crown in 1943. Mr. Dawson also coached tennis for seven seasons and track and field for four. He initiated the S.C. State golf program and served as head coach for six seasons, winning four SIAC titles.

Mr. Dawson also started the professional program in health and physical education at the college and served as department chairman for 30 years. In addition, he was Bulldog athletic director for 16 seasons, overseeing some of the most productive years in the school's athletic program.

Mr. Dawson's career was highlighted by his induction into the South Carolina Athletic Hall of Fame in 1974, becoming the first black to be so honored.

In 1983, he became a charter member of the S.C. State College Athletic Hall of Fame and, a year later, he became the first black to be inducted into the John Carroll University Athletic Hall of Fame.

In 1984, S.C. State renamed its 15,000-seat football stadium in honor of Mr. Dawson.

Mr. Dawson attended John Carroll University in Cleveland and graduated from S.C. State in 1936. He earned a master's at New York University in 1947 and did further study at Denver University and West Virginia University.

Mr. Dawson was an elder at St. Luke Presbyterian Church and a member of the Presbyterian Men's Council. He was also a member of the Alpha Phi Alpha Fraternity and numerous sports and professional organizations.

He served on several state and governmental commissions, including the Hillcrest Recreational Facility Commission from 1972 until his death. His civic involvement afforded him many meritorious citations and awards.

Survivors include his widow, Mrs. Gracia Watermann Dawson of the home; a daughter, Mrs. Maria D. James of Wayne, Pa.; and a sister, Mrs. Eddie Bell White of Cleveland; and two grandsons.

The family will receive friends from 6 to 7 p.m. Sunday at Simmons Funeral Home. Friends may call at the residence and at the funeral home.

Pallbearers will be Luther J. Battiste Jr., Dr. Oscar P. Butler, Lamar Dawkins, Robert E. Howard, Lewie C. Roache, William Johnson, Frank Staley and D.W. Walker.

Honorary pallbearers will be Alpha Phi Alpha Fraternity; elders of St. Luke Presbyterian Church, William C. Brown, Victor Kerr and Paul R. Webber.

The family suggests memorials may be made to the Capital Fund of St. Luke Presbyterian Church or to the Oliver D. Dawson Scholarship Fund for health and physical education majors at S.C. State.

[From the Columbia (SC) State, Feb. 10, 1989]

HIRING DAWSON GOOD MOVE BY STATE

(By Herman Helms)

On an historic day in 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. Leroy "Satchel" Paige, barnstorming with Babe Ruth, threw strikes past the famous slugger, and South Carolina's Normal Agricultural and Mechanical College employed Oliver C. Dawson—one of the smartest moves any institution of higher learning ever made.

He came from Cleveland and John Carroll University with a stunning background of accomplishments in sports: record-setter in track, No. 1 singles player in tennis, all-star guard in basketball, powerful fullback in football and heavyweight boxing champion of Ohio.

He rode into Orangeburg in a brand, spanking new automobile and assumed the duties of head coach of everything at the school, later to be renamed South Carolina State College, at a small salary.

The car was a gift from an admirer in Cleveland named Sonny DeMoribus, president of the City Council and owner of a brewery. Thrilled over seeing Dawson direct the high school basketball team to 63 straight victories, DeMoribus showed his appreciation by buying the coach the new wheels that got him to Orangeburg where he would become a legend in his own time.

ONE-MAN COACHING STAFF

Dawson found a bride early on, the daughter of an instructor in the tailor shop at the school. They were married on the campus where Gracia Maria Watermann was born. Later their home was blessed with the arrival of a baby girl, now the mother of two and wife of a law professor at the University of Kentucky. Once on campus, Dawson never left. He coached five sports and won championships in four of them. His 1947 football team was undefeated and won the national championship for predominantly black colleges and universities. He worked in State's athletic program for 41 years, retiring in 1976.

The early days were tough, but one thing he never had trouble with was coaching subordinates. There weren't any. He was the head coach, the only coach of all sports, the man for all seasons.

He would get through football practice late in the afternoon, rush home for a bite to eat and return for basketball practice at night. In a particular hurry one night, he rushed in one door and out the other, snatching a sandwich off the table. "Who was that man, Mama?" their small daughter asked. "That was your father, child," her mother responded.

She fixed meals he never touched and slept in chairs waiting for him to come home at night. She watched him walk away from the big football game of the year with his arms around the depressed young quarterback who threw the intercepted pass that lost it. She knew, without being told, where he was going on nights when he went to the dorm to look in on players who weren't feeling well. She listened silently in another room when he brought athletes to their home and scolded them for not doing their schoolwork.

HE LOVED ALL HIS ATHLETES

She shared his joy after victories and shall never forget how ecstatic he was in the spring at graduation exercises. He caused people to turn and stare at him by clapping so hard for his players with hamlike hands that used to knock out boxing opponents. He coached them and counseled them and loved every one as if they were his own.

He worked so hard and made so little money, and she sacrificed so much as a coaching widow. All of his players weren't winners after they left school, but the percentage was high. The coach felt fulfilled and so did his lady. They couldn't have been happier if he had been king and they lived in a castle.

State College has beautiful facilities today and a very successful athletic program. The man who helped make it possible died early Thursday morning at age 78.

Ollie Dawson would be quick to say he couldn't have gotten to first base without the help of his lady. Together they lived a life that is better story than any fiction writer could ever write.

GEORGE WASHINGTON HAD IT RIGHT WHEN HE ADVOCATED "FIRST IN THE U.S.A."

Mr. HELMS. Mr. President, most historians, both present and past, give George Washington high marks in every possible way—and I hope they never stop. As for the dyspeptic few who have attempted to debunk our

first President and other patriots, a pox upon their houses.

All my life I have admired George Washington. I believe the entire plethora of good things recorded about his life. The cherry tree? Of course he cut it down, and he told the truth about it. The tossing of the silver dollar across the river? Shame on any disbeliever who even raises a question about it.

Shortly after the inaugural parade on January 20, I found something else that I like about George Washington. Don Hughes of Burlington Industries stopped by on another matter, and he casually mentioned one of the colorful and interesting floats in the inaugural parade.

On the float was George Washington himself, or it certainly looked so. Actually it was a stand-in—Ronald Trowbridge, one of the directors of the Commission on the Bicentennial of the U.S. Constitution—but Mr. Trowbridge did a credible job in representing our first President and our all-time hero.

Mr. President, the suit worn by Mr. Trowbridge was an almost identical copy of the suit worn by George Washington on his inauguration day a couple of centuries ago. Not only that, the suit bore the label, "Made in the U.S.A."—and that was quite appropriate because George Washington can logically be designate as the first advocate of the "Made in the U.S.A." campaign now being conducted throughout the United States.

Where did I get all this information? Well, Mr. President, I'm sort of like the very young George Washington when that hacked-down cherry tree was discovered. I've got to tell the truth. Don Hughes of Burlington Industries told me.

There's a fine publication produced regularly by the public relations department of Burlington Industries. It's called the Burlington Look. It contained a brief article relating to George Bush's inauguration which told about Mr. Trowbridge, the parade float, the duplicate George Washington's inaugural suit—the whole bit.

It turns out that President Washington insisted a couple of centuries ago that his inaugural suit would be "unfashionable" if it were made of fabric not produced in this country. So he asked Gen. Henry Knox to procure "some superfine American broadcloths" for the purpose. General Knox came up with dark brown fabric made by a textile mill in Hartford, CT.

So far, so good, Mr. President. Upon inquiry of my friend, Don Hughes, I learned that the suit worn last month by Mr. Trowbridge in the Bush-Quayle inaugural parade was made of 100 percent worsted wool manufactured in Raeford, NC, at a Burlington Industries plant. Don Hughes is proud of that, and so am I.

One final point, Mr. President, and I shall conclude: The "Made in the U.S.A." float on January 20 provided a useful reminder of the importance of the textile industry throughout the history of America, from George Washington's time to George Bush's time. The first George to serve as our President had it right. When textiles are made in the U.S.A., they're first rate. President George Washington realized that, and so does President George Bush today. It's essential that the textile industry in America remain strong and productive. A lot of things are riding on it—including our national security.

Mr. President, I ask unanimous consent that the article from the Burlington Look, to which I alluded earlier, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE CANNOT TELL A LIE . . . GEORGE WASHINGTON'S OUTFIT WAS MADE IN THE U.S.A. BY BURLINGTON MENSWEAR

The first president of the United States not only was "first in war, first in peace, and first in the hearts of his countrymen," George Washington also was the first advocate of the U.S. textile and apparel industry, insisting that the suit he wore for his inauguration be tailored from American-made cloth.

To honor the 200th anniversary of Washington's inauguration, "George Washington" rode again in the inaugural parade for George Bush on January 20.

The father of our country—portrayed by Ronald Trowbridge of the Commission on the Bicentennial of the U.S. Constitution—rode atop a float sponsored by the commission and the Crafted With Pride in U.S.A. Council. The council is the leading trade group championing the sale of "Made in U.S.A." textiles, apparel and home fashions.

Trowbridge wore a replica of Washington's U.S.-made inaugural suit on the 45-foot-long float depicting the Constitution scroll. The suit was constructed of 100 percent worsted wool fabric manufactured at Burlington Industries' Raeford, N.C. plant, and tailored by the costume department at Colonial Williamsburg.

Raeford is a unit of Burlington Menswear, the country's leading manufacturer of fine worsted wool and worsted blend fabrics for suits and uniforms. The division also operates plants in Oxford and Forest City, N.C., in Clarksville and Halifax, Va., and in Bishopville, S.C.

In his day, George Washington was of the opinion that it would be "unfashionable" for a gentleman to appear in anything that wasn't made in the U.S.A. So prior to his inauguration in 1789 at Federal Hall in New York City, he asked General Henry Knox to procure "some superfine American broadcloths." The dark brown woolen fabric was made by a Hartford, Conn. Textile mill.

A journalist of the time, commenting on the look of Washington's swearing-in suit, wrote: "The cloth is of so fine a fabric, and so handsomely finished, that it was universally mistaken for a foreign manufactured, superfine cloth."

"Washington's insistence on 'buying American' is as valid today as it was 200 years ago," said Robert Swift, executive di-

rector of the Crafted With Pride in U.S.A. Council. "It's a very fitting reminder that promoting and buying U.S.-made apparel and home fashions was as important to our founding fathers then as it is to us now."

George Washington's original inaugural suit is on permanent display at Federal Hall, where he took his oath of office.

MORE COMMUNIST PLANS FOR EL SALVADOR

Mr. HELMS. Mr. President, the Communist rebels in El Salvador must be overjoyed today. Once again, violence and terrorism are yielding dividends for the Communists who, with the acquiescence of our State Department, have won a key concession from the ailing Duarte government.

To the apparent satisfaction of the State Department, President Duarte has proposed to postpone elections and begin direct talks with the Marxist FMLN terrorists. So once again, the bait has worked and in this case the victim may be the Salvadoran Constitution and democratic future of that country.

Last night the Salvadoran military unilaterally implemented a cease-fire around the country. Meanwhile the Salvadoran Marxist guerrillas continued their attacks on military targets, killing and wounding dozens of soldiers, and depriving more than half of the country of electricity.

Mr. President, according to media accounts and other reliable sources, the U.S. Department of State and the U.S. Embassy in San Salvador are once again involved in intervening in the Salvadoran election process—just as happened in 1984. The Army reportedly received pressure from the United States to enter into a suicidal unilateral cease-fire. And political parties of the opposition are being pressured to accept an unconstitutional delay of the elections.

President Duarte is proposing to delay the elections now scheduled for March 19, until April 30, 1989. It is clear that this is a violation of the 1983 Salvadoran Constitution. Article 154 of the Salvadoran Constitution clearly states: "The presidential term will last 5 years and will begin and end on the first of June." And article 79 states that the election process must begin no later than 2 months before June 1. This means that March 31 is the latest date elections could be legally held.

However, in January, the FMLN guerrillas submitted an unconstitutional and unacceptable plan to postpone free elections in El Salvador for 6 months. The guerrillas have had 5 years to participate in the electoral process, but they are coming forward now for the sole purpose of killing the electoral process, just as they have been killing and threatening hundreds of duly elected mayors, and other offi-

cials and political leaders. In other words, the guerrillas talk about peace, but continue to wage war.

In exchange for the delay, the FMLN promised a 5-day cease-fire and an agreement to stop murdering those mayors who fail to disassociate themselves from the government. This is merely a plan to salvage the ailing leftist parties, such as the Christian Democrats who have been outclassed by the center-right Arena party in the polls.

Imagine, Mr. President, how happy some candidates from both parties here in the United States would have been if some foreign country had insisted that last November's elections be postponed by a few months.

This assault on orderly constitutional procedure in El Salvador should have been rejected out of hand. Yet, there were those in the State Department who felt that the proposal should be "carefully and seriously" considered. The administration's tepid reaction was not lost on the Communist guerrillas.

Several weeks later, a new Marxist-Leninist proposal arrived—equally preposterous, equally one-sided. That proposal called for the establishment of three joint commissions to discuss the cessation of hostilities and withdrawal of military forces, to revise the electoral code, and to organize international oversight in implementing the provisions.

On Monday, President Duarte made a counterproposal to postpone elections for 6 weeks and the bells started ringing at the State Department. The State Department spokesman, Charles Redman, praised the proposal as "potentially the most significant opportunity ever for peace in El Salvador." He also added that if the FMLN is "serious in seeking a peaceful democratic outcome to the conflict, it will follow the government's example."

So, once again Mr. President, we give the Communists the benefit of the doubt, and the constitutional process is thrown in the garbage can. Once again, we hold out the vain illusion that perhaps the Communists are in fact seeking a "peaceful democratic outcome"—never mind the ongoing acts of terrorism such as the murder of FMLN defector Miguel Castellanos, who was assassinated on February 17, 2 days after he publicly denounced the Communist plan as ruse.

The Salvadoran people have long stressed the importance of an orderly democratic process in El Salvador. President Duarte has said that his ambition is to turn over the Presidency to a duly elected successor. We should never urge another nation to stray one bit from its Constitution.

Mr. President, on Monday, Ambassador Jeane Kirkpatrick laid out the tragic consequences to the democratic process in El Salvador. I ask unani-

mous consent that her column entitled "Setting a Trap in El Salvador" be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 27, 1989]

SETTING A TRAP IN EL SALVADOR

(By Jeane Kirkpatrick)

It would appear that the Bush administration, including Secretary of State James Baker, has been lured into a trap regarding El Salvador—a trap that has been baited as usual with what some mistake as a proposal to bring peace to the deeply troubled region.

El Salvador's FMLN guerrillas have presented two new "peace" proposals in the past two weeks. The first was an offer to participate in elections—for a price. The second, which followed a week later, is a broader proposal that offers to "definitively" end El Salvador's war.

El Salvador's government and all its major political parties promptly rejected the FMLN's initial offer to participate in the presidential election, and for good reason. It called for postponing the election for six months (in clear violation of El Salvador's constitution), required that government forces cease actions against guerrillas, and provided for an FMLN veto on electoral arrangements. In return, the FMLN offered a five-day cease-fire and promised to stop assassinating mayors if mayors ceased cooperating with the government.

It was an offer no government could accept. But the Bush administration has let it be known that it acted—through the person of Vice President Dan Quayle—to encourage reconsideration, thus justifying the FMLN expectation that the "new team" might prove more flexible than Ronald Reagan, George Shultz and Elliot Abrams.

"We wanted to wait until the end of the Reagan administration" to present the new plan, one guerrilla commander commented. Like Yasser Arafat and Daniel Ortega, FMLN leaders expected that the new administration will be more "open" and less informed about what has gone before and will therefore perhaps be more accommodating.

Although some in the media describe the FMLN's second proposal as a "new" and "important" departure from its longstanding position, in fact all that is new is the packaging. El Salvador's Communist Party leaders, Shafik Jorge Handal, was more accurate when he said: "This is not a new proposal," it is a "further development" of the FMLN's previous offer.

Following the traditional FMLN position, the new proposal still calls for "dissolution of the current security force"; the national police, the national guard and the treasury police, and for reducing El Salvador's army from 55,000 to 12,000.

There is, however, some new language. In the past, the FMLN explicitly insisted on integration of the guerrilla forces into El Salvador's army. Now it is willing "to recognize the existence of a single army" (which means a single, much smaller army into which FMLN forces would be integrated).

Where previously it demanded a share of power in a reconstituted interim government, now it demands the establishment of three joint commissions; one on cessation of hostilities and withdrawal of military forces, one on revision of the electoral code and a third to organize international oversight of implementation. In these commissions,

power would be shared and decisions would be made by consensus.

El Salvador's political parties responded to this latest offer by agreeing to meet with FMLN leaders on "neutral" ground in Mexico last week. After the meeting, the political parties concluded that the government should respond to the repackaged FMLN demands.

There is no question how Salvadoran President Napoleon Duarte will respond. His whole life has been a struggle to give his country constitutional government. He will not in his final days dismantle the legacy he has worked so painstakingly to construct.

He understands—if the Bush administration does not—that it is not possible to "suspend" El Salvador's constitution and still preserve democratic government. He understands that for a decade the prime target of the FMLN has been to dismantle and take control of El Salvador's armed forces and that for a decade those sympathetic with the guerrillas have sought to paralyze El Salvador's army under the guise of its "permanent reorganization."

And he knows that for a decade the FMLN has sought by all means and ruses to prevent the development and implementation of a democratic constitution, not only by denying the legitimacy of elections and refusing to participate, but by attacking polling places and voters as well.

Duarte understands that El Salvador's armed forces, which have so painstakingly learned restraint of power, would not be restrained if the constitution were violated. Said Defense Minister Gen. Eugenio Vides: "Falling into the trap would mean anyone could have the opportunity for disrupting the democratic process simply for the sake of staying in the presidency longer."

Duarte will know how to deal with the FMLN proposal. Meanwhile, someone at the responsible level in the Bush administration with an interest in preserving democracy and serving U.S. foreign policy interests should do some cramming on the recent history of Central America.

And it wouldn't hurt American journalists covering the region to consult original documents rather than relying on government and guerrilla public-relations handouts.

RESPONDING TO TERRORIST THREATS

Mr. MOYNIHAN. Mr. President, John Chancellor has raised a most important issue regarding the terrorist threats against Salman Rushdie, his publisher and book distributors. Mr. Chancellor stated on February 28, 1989 that:

One of the goals of terrorism is to force people to modify their behavior . . . and our behavior, as Americans, has been modified by the Ayatollah. Mr. Rushdie was scheduled to come here to go on an American book tour. Now he can't. That's an abridgment of our freedom to listen, whether we think his book is good, bad or boring. Terrorism is working in this case.

Other terrorists have sought victory by forcing a change in our behavior. On November 8, 1983, terrorists bombed the Capitol itself, sparking debate in the Senate as to whether we should surround the building with defensive barriers. But such barriers would undermine our democratic insti-

tutions by diminishing the access of Americans to their own government. At the City College of New York on December 14, 1983, I said that "we decided almost unanimously against it. You have to be very careful not to let your institutions be affected by terrorism."

The Ayatollah Khomeini hopes to change our behavior with his threats. John Chancellor suggests that we deny him that victory, and invite Rushdie to make a book tour in the United States under all necessary protection by our Government. I agree; regardless of whether we like Mr. Rushdie's book, the right to publish, sell, and read it cannot be held hostage by the Ayatollah. Mr. President, I ask unanimous consent that Mr. Chancellor's commentary of February 28, 1989, be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

LET'S INVITE RUSHDIE

One of the goals of terrorism is to force people to modify their behavior. When the Ayatollah Khomeini put Salmon Rushdie on a hit list, Rushdie modified his behavior. He's in hiding in England. And our behavior, as Americans, has been modified by the Ayatollah. Mr. Rushdie was scheduled to come here to go on an American book tour. Now he can't. That's an abridgement of our freedom to listen, whether we think his book is good, bad or boring. Terrorism is working in this case.

So why don't we invite Salmon Rushdie to come to the United States for a week or so to talk about his book? If we can protect Yasir Arafat we can protect Rushdie. American authorities provide security all the time to controversial visitors to the United Nations. Television studios can be secured, hotels can be guarded, lecture halls can be protected.

Instead, something curious and scary is going on. Everybody's acting as though the Ayatollah's killers are supermen who will strike once Rushdie makes a move. That's wrong. They're not, but it's precisely what the Ayatollah wants us to think. Why can't the President or the Attorney General say—if Americans want to listen to him, let Rushdie come here and we'll protect him. We'll let him speak, and we'll guarantee the right of Americans to listen to whomever and whatever they please. That's our right, and terrorists shouldn't be allowed to take it away from us.

Would it be complicated and expensive to protect Rushdie? Sure. So is protecting freedom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the order of 12 noon having already arrived, the Senate will now go into executive session to consider the nomination of

Louis W. Sullivan to be Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Louis W. Sullivan, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The time for debate on the nomination between now and 1 p.m. is to be equally divided and controlled between the Senator from Texas [Mr. BENTSEN] and the Senator from Oregon [Mr. PACKWOOD] or their designees.

The Senator from Texas.

Mr. BENTSEN. Mr. President, I am delighted to be here to support the nomination of Dr. Louis Sullivan to be Secretary of the Department of Health and Human Services. I might state we were ready to proceed on this matter yesterday, but the other side of the aisle had requested that we defer until today, and we were pleased to cooperate in that regard.

Dr. Sullivan's nomination was reported out of the Finance Committee by a vote of 19 to 0. One member of the committee voted present. I am anxious to allow Dr. Sullivan to get on with the job, and to devote his full attention to the formidable task of managing the Nation's largest Cabinet department.

In his capacity as Secretary of Health and Human Services, Dr. Sullivan's decisions are going to affect the lives of millions of Americans. For example, over 50 million Americans receive help from Medicare or Medicaid, important programs that make health care available to people who are aged, poor, or disabled. Mothers and families who are caught up in the cycle of poverty around this country have new reason to hope for a meaningful future as HHS begins to implement last year's new welfare reform law. Mr. President, I am confident that Dr. Louis Sullivan is going to be a caring advocate for these and other vulnerable Americans.

The challenges that are facing Dr. Sullivan as HHS cannot be overestimated. The programs of this over \$400 billion agency will be at center stage as we grapple with the deficit and with the budget that has been proposed by the President. When President Bush talks about a kinder and gentler America, decisions about Health and Human Services programs are central to achieving the objectives he has in mind. During the Committee on Finance's hearings on Dr. Sullivan's confirmation, I was struck by how strongly many of my colleagues reacted to the President's proposals to cut Medicare spending by over \$5 billion next year. Within the committee, strong

support was also shown for improving the health of our Nation's children, and for addressing the looming crisis in rural health care, a crisis reflected in the fact that we have had so many rural hospitals across this country close over the last 5 years.

These are just a few of the formidable challenges that are going to be faced by Dr. Sullivan. I think he is well-equipped to meet these challenges. As the president and dean of the Morehouse School of Medicine, he used his talents as a physician and an administrator to endow an institution and its students with a deep commitment to health care for society's most vulnerable citizens.

Mr. President, I should note that there was some delay on the part of the White House in scheduling confirmation hearings on Dr. Sullivan. We were prepared in the Finance Committee to move on the nomination much sooner, but we were asked by the White House for some additional time so that some paperwork could be completed. This paperwork in part involved Dr. Sullivan's arrangements upon leaving Morehouse, and was required to ensure that there was not created any ongoing financial conflict of interest with his position as Secretary of HHS. I am confident that Dr. Sullivan has severed any connection between himself and Morehouse that could pose a problem. In fact, he did so at considerable sacrifice for himself and for his family.

In looking at the arrangements made for Dr. Sullivan's departure from Morehouse, I and several of my colleagues are concerned that he may have been called on to do more with regard to foregoing severance pay than demanded by even the strictest rules and principles of equity and ethics. This issue deserves further exploration, so I have asked the committee staff to look into the severance pay issue with the staff from the Office of the Counsel to the President and the Office of Government Ethics. Dr. Sullivan is not a wealthy man, and the amount of money that we are talking about is substantial for him. I do not want to needlessly discourage good and able men and women from seeking positions in Government service.

I might say also that I am delighted that President Bush has made a renewed commitment to improving access to affordable health care, to the implementation of welfare reform and to investing in the future of our Nation's children. His nomination of Louis Sullivan as Secretary of HHS is a good first step in the right direction. These areas of child health, rural health care, and welfare reform, are going to be among the top priorities of the Committee on Finance in the coming 2 years, and I look forward to working with Dr. Sullivan on them. I

urge the Senate to act promptly and favorably on his nomination. I defer to the ranking member on the committee, the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I thank the Chair.

I, too, support Dr. Sullivan and support him quite strongly. Let me make a couple things clear for the record, if I might, because there has been a big issue about the subject of abortion. Dr. Sullivan has made his position very clear. He supports President Bush's position. He is opposed to Federal funding of abortion. He wants to overturn Roe versus Wade and will support that position. That is clearly not my position. I do support Federal funding of abortion, and I hope that Roe versus Wade is not overturned. But if I were to vote against Dr. Sullivan, I would have to vote against him on that issue alone, no other issue, because in every other respect from my standpoint he is eminently qualified. If I were to vote against him on that issue, in my judgment, it makes me as bad as the other side, which does not agree with me on this issue, that says that is the one issue I am going to vote on. I hope we have passed the eye-for-an-eye philosophy. I am willing to say, "Doctor, your department has lots of other things to do." As a matter of fact, the entire Department of Health and Human Services funded only 322 abortions last year, almost all of them to save the life of the woman. Twelve or thirteen years ago the then Department of Health, Education, and Welfare, the predecessor to this Department, was funding almost a quarter of a million. So those opposed to funding won the battle. We voted on the Senate floor. The battle is lost from my standpoint, won from theirs. He fully realizes that the major things his Department has to do relate to Medicare, Medicaid, Social Security, and tremendous budget restraints. I do not want to say budget cuts because President Bush has asked that Medicare go up next year by \$8 billion. If we do not change the law, it is going to go up \$13 billion, but it is not a cut from where we are this year.

Those are the problems on which Dr. Sullivan has to work. Indeed, if we should be asking the question about abortion, we really ought to be asking it more of judicial appointments, especially Federal court appointments, rather than the particular position he is going to hold.

With that background, let me go on to the money and the allegation of the conflict. Dr. Sullivan was entitled at Morehouse to two different benefits. One was straight out severance pay, about \$300,000, that he is entitled to when he leaves that job as dean. If he retires, if he comes to work for the Government, if he moves to Indonesia,

he is entitled to that money. He has voluntarily agreed to give that money up. I think that is a mistake because I think it sets a bad precedent for others who might follow. There is nothing that says there is any conflict in his taking money he has earned in the past and that has nothing to do with if he ever was connected with Morehouse again. That he would be entitled to. I wish, frankly, he would reverse his personal decision and say, "That part I will take," because he is not a wealthy man.

The second issue involves a sabbatical. A sabbatical is when in normal academic life you take a year off every 7 years and you receive a full stipend or some part stipend from the college and you go back. The question is whether or not there could be a possible conflict of interest in his receiving some pay from Morehouse while he is Secretary of Health and Human Services in a department that has to pass on grants to medical schools, some of which go to Morehouse. There the Office of Government Ethics has ruled that he would have a conflict of interest. He is going to forgo that also. He is not taking, either one. But that probably is legitimate to forgo. I think the other one is voluntary and he really should not lose it because he is not wealthy. I admire him for doing it, but I would not want the record to indicate that every employee would have to do that because it was an earned entitlement that you have no matter what.

With that behind us, I do not know where the President was going to find a better man with background qualifications better than Dr. Sullivan, a physician of repute, an educator without peer. Anybody who can found a medical school, found it in the mid-seventies, raise the money for it and make it go, deserves a place in this Cabinet—as far as I am concerned, in any position, but to found one that is primarily black, to train doctors to serve in urban areas and rural areas where we are, very frankly, having a hard time getting graduates of normal medical schools, deserves a double accolade and he has made it go.

The recommendations of the Georgia congressional delegations, House and Senate, were above reproach. The letters that we had from citizens who knew him in Atlanta, those who knew him in Boston when he was in Boston, are without compare. In every sense this man is qualified to do a first-rate job. The issue of abortion ought to be irrelevant, or at a maximum de minimis for this position at this time. Therefore, I entirely support his confirmation and hope that the Senate will give him a 100-to-0 vote this afternoon.

The PRESIDING OFFICER. The Senator from Texas controls the time.

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, I urge the Senate to confirm the nomination of Dr. Louis W. Sullivan, M.D., to become the next Secretary of Health and Human Services. As the chairman of the Senate Committee on Labor and Human Resources, the committee that shares jurisdiction with the Committee on Finance over DHHS, I look forward to working with Dr. Sullivan in the years to come to address serious challenges which fall in the area of public health.

Dr. Sullivan appeared before the Labor Committee yesterday to discuss his views on a number of important health and child care issues. I was impressed with his insights into complex problems, his commitment to the concerns we share, and his sensitivity to the problems of the uninsured, the elderly, people infected with the AIDS virus, and those in urban and rural areas who lack access to basic medical care.

The problems the Secretary of HHS will confront over the next few years go to the very heart of the many different challenges facing the Nation.

Thirty-seven million citizens have no health insurance coverage, either public or private. As a result, they are denied access to essential health care that should be a fundamental human right.

Thirty million senior citizens and their families are at risk for the devastating cost of long-term care, either in a nursing home or in their own homes.

The AIDS epidemic continues to threaten our society with the most devastating plague of the 20th century. Forty-nine thousand Americans have already died from this disease; over a million and half are infected with the deadly virus, and care needs could well bankrupt our health care system in the decade ahead.

The National Institutes of Health are the envy of the world for their record of achievement in biomedical research, but the United States lags behind 18 other countries in protecting children against infant mortality.

Minority citizens die at rates that shame us all; unnecessary deaths among blacks and other minorities from preventable and treatable illnesses number almost 60,000 a year;

Hospitals are reeling under the pressures of soaring costs. An economical and effective prospective payment system is an essential element in the struggle against excessive inflation in these costs, but health care must never be held hostage to attempts to balance the budget on the backs of our hospitals.

Efforts to contain health care costs must not compromise the high quality

of care that all Americans have come to expect. In searching for cuts, we must take the careful approach of the skilled surgeon, seeking to remove the excess without harming essential functions.

I commend President Bush for nominating Dr. Sullivan to lead us in meeting these and other challenges. He is a distinguished physician, medical researcher, and medical administrator. And I am also pleased to note that he has served or studied at a number of Massachusetts institutions—including Boston University, Harvard Medical School, Boston City Hospital, and the Boston Sickle Cell Center.

One of the most impressive achievements in his distinguished career involves the Morehouse School of Medicine. As the school's first dean and president, Dr. Sullivan created the medical school and built it into one of the Nation's most respected institutions for the training of physicians. He is widely recognized by his peers for his leadership, energy, commitment and contributions to academic medicine.

Dr. Sullivan is also well known for his honesty and integrity. In accepting the call to public service, his efforts to avoid any hint or question of conflict of interest have been above and beyond those ordinarily demanded of the Nation's high officials. Dr. Sullivan has voluntarily chosen to forgo a large amount of severance pay rightfully owed to him from his service at the Morehouse School of Medicine.

In summary, I am proud to support the nomination Dr. Sullivan to become the next Secretary of Health and Human Services. His new Department has the widest array of Federal programs and the largest budget. He is well-qualified for the position of Secretary of HHS and I urge the Senate to confirm his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. HATCH. Mr. President, today we will be voting on the nomination of Dr. Louis Sullivan, President Bush's nomination as Secretary of the Department of Health and Human Services. Dr. Sullivan has my full support and I hope that all of my colleagues will likewise support this nomination.

The Department of Health and Human Services has the third largest budget in the world. Only the United States and Soviet Governments have budgets that are bigger. HHS administers and reviews countless domestic programs in America which touch every American every day. The thankless task of administering this mam-

moth agency must fall on the shoulders of a compassionate professional.

If I were to characterize Dr. Sullivan in just two words, I would call him a "compassionate professional." I believe he is just exactly that type of a person. First of all, he is a respected health care professional. He has worked on a great number of the problems that the Secretary of Health and Human Services would have to deal with. He has firsthand knowledge of the health care needs of Americans. He has worked to help low-income mothers and their children receive needed services while working against poverty in America. He has cared for the elderly and understands their needs. He will now head an agency that provides health care services to over 31 million elderly Americans; health care services for nearly 26 million low-income families; social services and cash benefits to over 40 million Americans; and health and social care to over 33 million Americans with disabilities.

Dr. Sullivan's credentials to lead our Nation's health and human services program are impeccable. He is well-educated. He is articulate. He will be a great spokesman for all of these areas, and he is a respected author. His résumé reads like that of one of the great people of this world, which he is. He is a noted hematologist and has trained and taught at laudable medical institutions including Harvard Medical School, New Jersey College of Medicine, Boston University, and since 1975 has been the dean, president, and director of the School of Medicine at Morehouse College.

I will not go into all the numerous awards and other matters that have made his life so important. But his record and experiences embodies what, I believe, is characteristic of what we need in a Secretary of Health and Human Services.

So I am delighted that Dr. Sullivan, a progressive, compassionate, conservative with proven abilities as an administrator, will accept the challenge of administering this essential Federal agency. His responsibilities will be large and diverse, and I admire his willingness to join the ranks of the dedicated public servants now serving HHS and other areas in the President's Cabinet.

Again, I call Dr. Sullivan a "compassionate professional," one who really will make a difference in this country. I urge my colleagues to support his nomination.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I rise to join the other Members of the Senate who speak of their admiration for Dr. Sullivan. He has impressed us all. We are looking forward to his tenure as Secretary of the Department of Health and Human Services. He confronts a formidable task—the proposition that this is, indeed, as the Senator from Utah said, a country with the third largest budget in the world—is a measure of the undertaking.

I might say, since so much of our talk these days is of difficulty, that last evening I met with Dorcas Hardy, Commissioner of the Social Security Administration, who reports that the Social Security retirement and disability funds are rising at \$89,000 a minute. Not all the news is of difficulty and strain.

Nevertheless, I would like to address succinctly a matter which our distinguished Chairman, LLOYD BENTSEN, raised in Dr. Sullivan's hearing before the Committee on Finance. The Chairman and, I might add, the majority leader, questioned Dr. Sullivan about the JOBS Program—that is the training program provided for in the Family Support Act which we adopted last year and which was enacted last year. This act is the first overhaul of the welfare system in half a century, from the time that it was first created. The chairman stated as to "whether or not [the JOBS] Program is a discretionary program or an entitlement, * * * this was passed as an entitlement provision. And in less than 3 months after enactment—the administration's budget was presented to us undermining that entitlement feature and * * * in effect * * * making it a discretionary program. I am deeply concerned * * *," said the chairman of our committee, Senator BENTSEN, and this Senator who is chairman of the Subcommittee on Social Security would like to echo those views.

Mr. President, in the 100th Congress, this body passed the Family Security Act, the first overhaul of our Family Welfare Program, Aid to Families With Dependent Children [AFDC], in half a century. After months of negotiations, the House and Senate produced a conference report that was swiftly adopted by both bodies. My colleagues in the Senate voted 96 to 1 in favor. President Reagan signed the Family Support Act into law, Public Law 100-485, on October 13, 1988.

One of the most important features of our welfare legislation was the creation of a new entitlement program, the JOBS Program, to provide education, training, and work experience to AFDC parents. Indeed, the bipartisan consensus that secured passage and enactment of our legislation was largely founded on the simple premise that welfare mothers and fathers must

strive to support their children through work. It is the further obligation of Government to do all in its power to help these poor parents make ready to enter the labor force.

Toward this end, we created the JOBS Program. Upon introduction, the JOBS Program was to be an open-ended entitlement. Subsequently, in the Finance Committee's markup of our bill, concerns were raised about creating a new, open-ended entitlement program at a time of growing budget deficits. We argued, with the support of the Nation's Governors, that open-ended financing was the only sure way of providing the States with the fiscal assistance they needed to make the new work-training programs a success.

Still, we compromised. Working with the Governors, we agreed to make the JOBS Program a capped entitlement, but—and let there be no doubt about this—an entitlement nonetheless.

The capped entitlement remained intact throughout Senate deliberations and the House-Senate conference. Indeed, during the conference, again at the request of the Governors, we raised the caps to guarantee States solid Federal financial support in future fiscal years. As signed by President Reagan, our new public law entitles States to 600 million Federal dollars in the current fiscal year, \$800 million in fiscal year 1990, \$1 billion in fiscal year 1991-93, \$1.1 billion in fiscal year 1994, \$1.3 billion in fiscal year 1995, and \$1 billion in fiscal year 1996, and future fiscal years.

This is the lynchpin to our JOBS Program, the point upon which Congress and the Governors and the President agreed: States must be entitled to sufficient Federal resources so that they may, in accordance with statute, create new education, training, and work programs, target long-term welfare recipients to participate in these programs, and substantially increase rates of participation in these programs. At the same time, States must act responsibly and take advantage of the Federal entitlement. A State that does not use these Federal funds will have only itself to blame.

Mr. President, I review this legislative history only to make the point that the entitlement status of the JOBS Program was neither an accident nor an afterthought. The decision to make the JOBS Program an entitlement, a radical departure from current law, was carefully considered, seriously debated, and deliberately adopted by this body, by the House, and signed by the President.

Imagine our consternation, therefore, when President Reagan, not 3 months after signing this landmark legislation into law, sent us, on January 9, 1989, a fiscal year 1990 budget that proposes to completely undo the JOBS entitlement. The outgoing

Reagan budget proposes that the JOBS Program be a discretionary program, subject to annual appropriations, and that the maximum appropriation in fiscal year 1990 be cut to \$350 million. In short, our capped entitlement of up to \$800 million would be reduced by more than half to a discretionary sum of only \$350 million.

Mr. President, this was appalling. This proposal, should it be permitted to stand, would clearly violate the law. The statute says it is an entitlement as much as any of the other entitlement provisions of the Social Security Act. And it is not within the preview of the President to say "I have changed my mind," and, therefore change the law. Yet, no particular protests were made because the budget of the outgoing President was soon to be revised by the incoming President. One month later to the day, on February 9, 1989, President Bush's budget revisions arrived, in a document entitled, "Building A Better America." It arrived, Mr. President, but it shed little light. No mention was made of the JOBS Program; indeed, no mention was made of the Family Support Act at all. Still, we hoped. Silence could, perhaps, be interpreted to mean that President Bush would support the new statute, rather than his predecessor's budget.

I spoke with Dr. Sullivan about this very point when he visited me in my office, on January 23, 1989, prior to his confirmation hearing before the Finance Committee. A number of us questioned Dr. Sullivan on this point again when he appeared before the Committee on Finance last week. Indeed, my distinguished colleagues, the majority leader and the chairman of the Finance Committee emphatically made the point during the hearing: The JOBS Program must remain an entitlement.

In the last 2 days, I have met with Governors Carroll Campbell of South Carolina and Bill Clinton of Arkansas. Both expressed the concern of their fellow Governors that the JOBS Program maintain the entitlement status guaranteed in the new statute.

On Monday, February 27, following my meeting with Governor Campbell, I spoke with Mr. Darman and raised this specific question. I can report to the Senate that Mr. Darman agreed with me that the moneys for the JOBS Program were in fact to be, by law, a capped entitlement. He indicated that the exact amount made available in the first budget round might not be that provided in the Family Support Act—\$800 million in fiscal year 1990—but that this could be dealt with in a supplemental, should it become necessary.

I hasten to state that this was a telephone conversation and cannot be considered a formal undertaking by the distinguished Director of the Office of Management and Budget. But if it is

an indication of his present thoughts, it is indeed reassuring. However, something much more formal must come from the executive branch.

Mr. President, I know Dr. Sullivan will want to address that matter.

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank the distinguished ranking member for yielding me the time.

Mr. President, I congratulate President Bush on his selection of Dr. Louis W. Sullivan as Secretary of the U.S. Department of Health and Human Services, and I am pleased to express my support and vote for his confirmation today.

Dr. Sullivan is well-qualified for the position of Secretary of Health and Human Services, as reflected in his impressive list of accomplishments and experiences. In July 1975, the 41-year-old physician became the founding dean and director of the Medical Education Program at Morehouse College in Atlanta, GA. He was named the first president and dean of the Morehouse School of Medicine when it became independent from the college in 1981.

Before joining the Morehouse College faculty, he held diverse teaching and administrative positions. Dr. Sullivan began his academic career as an instructor of medicine at the Harvard Medical School from 1963 until 1964. He later served at the National Institutes of Health and as an attending physician in Jersey City, NJ. From 1966 through 1975, Dr. Sullivan held various positions at Boston University School of Medicine and Hospital including those of professor of medicine and physiology and professor of nutrition. Certainly this wide range of experience will serve him well as Secretary for Health and Human Services.

In addition, Dr. Sullivan belongs to a number of medical and scientific societies, including the American College of Physicians, where he is a member of the Health Care Financing Subcommittee. He also holds many advisory and consulting positions, including membership on the Robert Wood Johnson Health Policy Fellowship Board of the National Academy of Sciences and membership on the Advisory Committee to the Harvard-Massachusetts Institute of Technology Division of Health and Technology. Dr. Sullivan has conducted numerous research projects that include studies on vitamins and the effects of alcohol on certain health conditions.

I am confident that Dr. Sullivan will be an effective leader on the many important issues addressed by the De-

partment of Health and Human Services.

I support the nomination of Dr. Sullivan to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has in the other positions he has held in the past.

I have had the opportunity to become personally acquainted with Dr. Sullivan and believe him to be a man of outstanding qualifications to take on this very important position.

His professional career has already been outlined. Beyond what appears on paper, he is a man who presents himself extremely well. He is articulate, he is personable, and I think he has the qualities to be an outstanding Secretary of Health and Human Services.

Mr. President, beyond those comments about Dr. Sullivan personally, I compliment President Bush and the administration in the support of Dr. Sullivan through a difficult confirmation proceeding. Some questions arose early on, I think, as a result of Dr. Sullivan's not being totally experienced in the fast currents of the Washington political scene, and the administration, I think, gave the kind of support which was warranted and which has worked out.

I also compliment my colleague, Senator Packwood, for his participation in this confirmation proceeding. There had been some publicity given to an early meeting between Senator Packwood and Dr. Sullivan, where Dr. Sullivan testified at the hearings that he had misspoken, and that, too, was clarified.

I particularly appreciated Senator Packwood's comment in voting in support of Dr. Sullivan, that notwithstanding a disagreement on a single issue, a single issue ought not to make the determination as to qualification of a Cabinet choice, and I heartily agree with that kind of conclusion, that there are an enormous number of issues which face all of us in the discharge of our public duties.

While there may be disagreements, even heated and vociferous disagreements, on a single issue, that ought not to be the determinant. So as these proceedings draw to a close, Mr. President, I think it is going to be a good day for the United States with a man of this distinguished position, and I look forward to supporting Dr. Sullivan both in the vote today and in the administration of his office. I urge my colleagues to give Dr. Sullivan their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, the Senator from North Carolina spoke with me and indicates he does not want to go past 1 o'clock. I have

no other speaker. I know of Senator THURMOND, who is not here, and Senator CHAFEE, also. I wonder if the Senator from North Carolina is ready to proceed now and take 5 or 6 minutes and stop and see where we are.

Mr. HELMS. Very well.

Mr. PACKWOOD. I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. HELMS. Mr. President, let me defer to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank my distinguished colleague from North Carolina.

Mr. President, I rise to state that I support Dr. Sullivan's nomination for Secretary of HHS with enthusiasm, and I am pleased that our distinguished chairman of our committee, Senator BENTSEN and Senator PACKWOOD, the ranking member, have been able to work out with the administration the fact that Dr. Sullivan will be able to retain the severance pay that he was originally apparently forced to give up.

That struck me, as it did other members of the committee, when Dr. Sullivan came before us, as an extremely onerous requirement upon Dr. Sullivan. Certainly, none of us expects somebody to come into the administration as a pauper and go out a wealthy person. Likewise, we do not expect somebody to come in with moderate wealth and go out of the administration a pauper. That was a requirement that was about to be levied upon Dr. Sullivan.

It appears that this matter will be worked out, and should Dr. Sullivan choose to retain that severance pay or that particular fund that we previously have discussed, it would be possible, and I certainly hope that he will do it, because there is no possible conflict of interest in that.

Dr. Sullivan appeared before our committee, as previously stated, and greatly impressed all of us. In addition, he made personal calls on us. We had a chance to interview him and go over his record, and the administration and the Nation are lucky to have obtained the services of a man such as Dr. Sullivan, so we look forward to a happy administration, a successful one.

He confronts all kinds of challenges. I stand exactly in the same position as Senator Packwood does as regards Roe versus Wade and the abortion issue. Nonetheless, Dr. Sullivan is the man for the job, and despite all these differences, I believe his nomination should be confirmed.

I was extremely impressed with Dr. Sullivan's concern for and emphasis on the issues of access and prevention.

To me, this suggests that he has, not just the background, but also the vision required to do the job.

Mr. PACKWOOD. Does the Senator from North Carolina want to proceed next or want to let Mr. THURMOND proceed?

I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the nomination of Dr. Louis Wade Sullivan to be Secretary of Health and Human Services. The Department of Health and Human Services has a budget which is second only to that of the Pentagon. It is charged with the responsibility of administering programs which provide vital services to our Nation. I am confident that President Bush has made a wise selection in his choice of Dr. Sullivan to head this important Department.

Mr. President, Dr. Louis Sullivan is well qualified to hold the demanding position of Secretary of Health and Human Services. A native of Atlanta, GA, he graduated magna cum laude from Morehouse College and received his M.D. degree cum laude from Boston University. He then completed an internship and a medical residency at New York Hospital, Cornell Medical Center. Dr. Sullivan also served a residency in general pathology at Massachusetts General Hospital, after which, he became a research fellow in hematology at the Thorndike Research Laboratories of the Harvard Medical School at the Boston City Hospital.

Dr. Louis Sullivan has been an assistant professor of medicine at the New Jersey College of Medicine; and successively, an assistant professor, and full professor of medicine, at the Boston University School of Medicine. While in Boston, Dr. Sullivan became codirector of hematology at the Boston University Medical Center, where he continued his research in that area.

In 1975, Dr. Sullivan became the founding dean and director of the Medical Education Program at Morehouse College. When the Morehouse School of Medicine became independent of Morehouse College in 1981, Dr. Sullivan was named its president. Since 1985, he has served with distinction as president of that institution of medical learning.

Dr. Sullivan's academic achievements have been recognized through his induction into the Alpha Omega Alpha Medical Honor Society, and Phi Beta Kappa. He has also served as a member of the Institute of Medicine of the National Academy of Sciences; the Cancer Institute's National Cancer Advisory Board; and as vice chairman of the Commission on Health and Human Services of the Southern Regional Education Board. Dr. Sullivan

has been honored by numerous other professional and civic organizations.

Mr. President, Dr. Louis Sullivan has demonstrated his effectiveness as an outstanding physician, teacher, and administrator. He is sensitive to the needs of the underprivileged and elderly of our country. He is a dedicated leader, who possesses the expertise necessary to carry out President Bush's policies at the Department of Health and Human Services. Accordingly, I urge my colleagues to support Dr. Sullivan's nomination.

Mr. PACKWOOD. Mr. President, I yield the remainder of the time I have to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Oregon.

Mr. BENTSEN. Would the Senator like additional time? I have another 3 minutes, if he wants it.

Mr. HELMS. I will try not to use it.

Mr. BENTSEN. I yield an additional 3 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Texas.

Mr. President, at the outset let me emphasize as strongly as I know how that I respect Dr. Sullivan for his many academic accomplishments and contributions to medicine. Nonetheless, I am obliged to vote against his confirmation as Secretary of Health and Human Services. He is a civil man, a pleasant man, and I enjoyed the one conference I had with him. Obviously, he is a man of high ability and intelligence, but, nevertheless, having studied the matter, some of the answers to questions and nonanswers to questions—to be honest about it—that Dr. Sullivan has provided, I feel obliged as a matter of conscience to vote against his confirmation as Secretary of Health and Human Services.

After reading and rereading his responses to questions that I had submitted for the record and after reviewing his responses to questions asked by other Senators at his confirmation hearing, I have concluded that one of two things is obvious: Either Dr. Sullivan has no opinion on a number of issues or he is reluctant to voice his opinion, one or the other. If Dr. Sullivan has no opinion on those issues which are of utmost importance to me and to a great many citizens I am privileged to represent, I find myself troubled, that he may find himself vulnerable to manipulation by bureaucrats and powerful outside interests groups whose views are antithetical to those of the President of the United States, not to mention many of the rest of us. On the other hand, if he refuses to voice his position, he is doing a disservice to the U.S. Senate and the American public. So, in short, this is one of those rare instances where I will be

casting my vote hoping that I will be proved wrong on both counts, and I fervently hope that I will be because I like the man and I wish that I could support his nomination.

But let me offer a few examples: Senator ARMSTRONG, for example, asked Dr. Sullivan at his February 23 hearing before the Senate Finance Committee whether he would recommend that the President sign an Executive order banning fetal experimentation on preborn children who have been aborted. Dr. Sullivan declined to give a definitive answer.

On February 23 I asked him, through a question submitted for the record, whether he favored fetal experimentation as reported in a December 21 Atlanta Journal article. Dr. Sullivan again refused to give a definitive answer.

I believe the pro-life community as it is called, is unanimously opposed to fetal experimentation on an unborn alive child if it imposes more than minimal risk to the child.

I cannot turn my back on that opinion. Furthermore, organ harvesting or tissue harvesting from dead babies who are the products of induced abortion is just as abhorrent and just as egregious. We have condemned over and over again thousands of times the harvesting of tissues and organs of Jews murdered at the hand of Adolf Hitler. We should take care that we provide the same protection to the most innocent and helpless of human life, that is to say, unborn children. Dr. Sullivan has been unwilling to give that commitment, for whatever reasons satisfactory to himself.

On February 23 I also asked in writing whether Dr. Sullivan supported the Civil Rights Commission's recommendation to "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap." Dr. Sullivan refused to answer the question and merely stated that he would "explore * * * the extent to which we are meeting our responsibilities."

Mr. President, that will not do. That is not enough. I like the man. But he owes us more of an answer than that.

On February 27, Senator HATCH asked Dr. Sullivan in the Senate Labor Committee hearing whether he supported notifying spouses if their partner is infected with the AIDS virus. Dr. Sullivan said he could not take a position on whether health authorities should notify spouses because it is a State issue. I am sure Dr. Sullivan knows that for years the Federal Government has made recommendations to the States on treating and controlling contagious diseases, including AIDS, and it continues to make recommendations on testing and contact tracing, so I find Dr. Sullivan's comments puzzling.

On February 27, Senator COATS submitted a host of questions and unfortunately, again, Dr. Sullivan would not take a position.

Asked whether he would begin a study on the detrimental effects of abortion, Dr. Sullivan refused to commit to doing the study and simply said he would "work with the Director of CDC to explore the practicality of undertaking such a study."

Asked whether he would support a widespread epidemiological study on the prevalence of AIDS infection, Dr. Sullivan said that "if the results of the feasibility study show it is possible to obtain accurate information at acceptable cost from household survey of HIV seroprevalence, CDC will recommend that the full national survey be conducted. * * *"

Mr. President, that is a nonanswer. Dr. Sullivan would not take a position whether he would even approve CDC's recommendation.

Senator COATS also asked Dr. Sullivan whether he would support a Federal confidentiality law which would repeal State confidentiality and right-to-know laws concerning AIDS. Dr. Sullivan said that he wanted to see the results of a study. He would not take a position.

Asked whether he believed that living embryos, fetuses and newborns should be protected from research which poses greater than minimal risk of suffering, Dr. Sullivan cited the Department's "commitment to the protection of all human subjects in research" and a law which prevents the use of living fetuses in research. Dr. Sullivan did not state whether he supported this policy or this law.

Asked whether he supported research using the organs or tissues of children who are the products of an induced abortion, Dr. Sullivan refused to take a position.

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. BENTSEN. I have 3 minutes I had been holding for the junior Senator from Georgia, but I do not believe he is going to appear. So I yield that to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The Senator is most generous, and I thank him.

On questions relating to the starvation of newly born handicapped infants, Dr. Sullivan refused to commit to taking steps to enforce the law. I found that puzzling. Asked whether he would enforce the congressionally defined standard of care for severely handicapped infants, Dr. Sullivan merely said that he wanted to be updated on the progress and recommendations of a study being conducted on the subject by the Office of Human Development Services. That was a nonanswer.

Dr. Sullivan has also taken positions with which I disagree respectfully. He supports the reauthorization of title X—the so-called family planning bill provided that the title X program is not involved with abortions. I do not. The title X program is no more and no less than a safe sex program for teenagers. The title X program is funding and will continue to fund school-based birth control clinics. It is the leading Federal funder of Planned Parenthood, an organization bound and determined to destroy the ethical fiber of this country.

Dr. Sullivan supports abortion in cases of rape and incest. I do not. In my opinion, if one really believes that that baby in the mother's womb is a real, live person, than I cannot understand how he can support imposing a death sentence on the child because the child was conceived by force.

Mr. President, I will not further consume the Senate's time except to reiterate what I said at the outset. I respect Dr. Sullivan for his intelligence and demonstrable academic accomplishments. However, his failure or refusal, one or the other, to take positions on a number of extremely important issues, at least important to me, leaves me with no alternative but regretfully to cast my vote against his nomination.

I do it with no animus toward him and I wish him well, and I hope he will prove me wrong in his service as Secretary of HHS.

Mr. President, I ask unanimous consent that the following items, be printed in the RECORD: First, my questions and Dr. Sullivan's responses; and second, Senator COATS' questions and Dr. Sullivan's responses to those questions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR LOUIS SULLIVAN CONFIRMATION HEARING, SENATE COMMITTEE ON FINANCE, FEBRUARY 1, 1989

(1) What is an abortion?
(2) As a doctor, when do you believe life begins?

(3) On December 18 you reportedly stated to the *Atlanta Journal* that you support a woman's right to an abortion. On December 21 you are quoted as saying, "... my private situation ... is that there should be that right [to an abortion]." On January 23 Evans and Novak reported that you have told Senator Packwood you favor abortion. On January 24, the *New York Times* reported that you have told other legislators that you support legalized abortion.

How does your current position differ from all these accounts?

(4) In the December 21 *Atlanta Journal* article you stated that you do not believe the federal government should be involved in funding abortion "because it's such a divisive, emotional issue with such polarization on both sides."

How does your current position differ from the position you took on December 21?

(5) Do you believe that tissues and organs should be removed from an aborted child while that child is still alive?

(6) Do you believe that tissues and organs should be removed from a dead aborted child?

(7) On December 21 the *Atlanta Journal* reported that you favor fetal experimentation. How does your current position differ from that reported in the Dec. 21 article?

(8) Should the lives of the handicapped be protected from the time of birth?

(9) Do you oppose the actions of some doctors who deny lifesaving medical treatment or food and fluids to newly born handicapped infants?

(10) According to a press release of the Civil Rights Commission dated January 12, next month the Commission will release a report which recommends that the Executive Branch "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap."

Will you support the Commission's recommendation?

FEBRUARY 27, 1989.

HON. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: Enclosed please find my answers to your questions presented by Senator Symms in conjunction with my confirmation hearings before the Senate Finance Committee. I have also sent a copy of my responses to the Committee for inclusion in the hearing record.

Sincerely yours,

LOUIS W. SULLIVAN, M.D.,
Secretary-designate,
Department of Health and Human Services.

RESPONSE TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR JESSE HELMS

Question 1: What is an abortion?

Answer: An abortion is the premature expulsion of a fetus from the womb, which may be either spontaneous or induced.

Question 2: As a doctor, when do you believe life begins?

Answer: I believe that life begins at conception.

Questions 3 and 4: On December 18 you reportedly stated to the *Atlanta Journal* that you support a woman's right to an abortion. On December 21 you are quoted as saying, "... my private situation ... is that there should be that right [to an abortion]." On January 23 Evans and Novak reported that you have told Senator Packwood you favor abortion. On January 24, the *New York Times* reported that you have told other legislators that you support legalized abortion.

How does your current position differ from all these accounts?

In the December 21 *Atlanta Journal* article you stated that you do not believe the Federal government should be involved in funding abortion "because it's such a divisive, emotional issue with such polarization on both sides."

How does your current position differ from the position you took on December 21?

Answer: I am in full accord with President Bush's views on abortion. I oppose abortion except to save the life of the mother and in cases of rape and incest. I am in favor of a pro-life amendment to the Constitution and I am in favor of overturning *Roe v. Wade*.

Consistent with these views, I wholeheartedly support the Hyde Amendment. The Federal Government should not be funding

abortions, except when the life of the mother is in danger.

Question 5: Do you believe that tissues and organs should be removed from an aborted child while that child is still alive?

Answer: No. Tissues and organs must not be removed from a living fetus, infant or child, nor an adult without his or her consent.

Questions 6 and 7: Do you believe that tissues and organs should be removed from a dead aborted child?

On December 21 the *Atlanta Journal* reported that you favor fetal experimentation. How does your current position differ from that reported in the December 21 article?

Answer: I have a strong conviction that no action should be taken that would encourage or promote abortion.

The Department of Health and Human Services has a longstanding commitment to the protection of all human subjects in research. In addition to the Department's broad regulations protecting research subjects, there are special regulations to guard against exploitation of vulnerable research subjects—especially pregnant women, fetuses and children.

Our regulations prevent the use of living fetuses in research unless there is a therapeutic benefit to the fetus or unless the research poses essentially no risk to the fetus (n.b. the test for this latter exception is that the research is conducted on fetuses in utero without reference to whether the fetus is to be carried to term or not). Congress has codified these strong protections into section 498 of the Public Health Service Act.

Question 8: Should the lives of the handicapped be protected from the time of birth?

Answer: Yes, the lives of the handicapped should be protected.

Question 9: Do you oppose the actions of some doctors who deny lifesaving medical treatment or food and fluids to newly born handicapped infants?

Answer: It follows from my previous answer that I would of course oppose actions that would deny lifesaving medical treatment or food and fluids to newly born handicapped infants. I believe medical care should always be provided when beneficial. In addition, nourishment should always be provided.

Question 10: According to a press release of the Civil Rights Commission dated January 12, next month the Commission will release a report which recommends that the Executive Branch "resume investigation of allegations that children with disabilities are discriminatorily denied medical treatment based on handicap." Will you support the Commission's recommendations?

Answer: I intend to explore with the Justice Department and HHS Department personnel what our authorities are in this area and the extent to which we are meeting our responsibilities. If there are deficiencies, I will make recommendations to correct them.

DR. SULLIVAN'S RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD DURING CONFIRMATION HEARINGS

Question 1: I would like to ask you a series of questions related to abortion activities in Title X projects.

(a) Do you believe for purposes of Title X that abortion is a method of family planning?

(b) Do you agree with the statement made by President Reagan on July 30, 1987 that "At present, the coexistence of abortion with federally-supported family planning services fosters the view that abortion is an acceptable and government-sanctioned method of family planning?"

(c) In your opinion, should Title X clinics which refuse to separate their abortion activities from legitimate forms of family planning be eligible to receive Title X funds?

(d) What steps will you take to implement proposed regulations creating a wall of separation between abortion and legitimate family planning? Will you direct the Department to appeal—if necessary to the Supreme Court—all court rulings which would overrule, in whole or in part, those regulations?

(e) What further steps will you take to assure that the original legislative intent of Congress with respect to Title X is carried out?

Answer: (a) I agree with the view embodied in Title X that abortion is an unacceptable method of family planning and that, as such, Title X family planning should not include abortion-related services. I support the concept that proper family planning should reduce the incidence of abortion.

(b) Abortion is antithetical to the purposes of Federal family planning programs. It is important that the integrity of the Title X program be established as a program which in no way promotes or facilitates access to abortion. The message of the Title X regulations issued on February 2, 1988 is that the Federal government does not sanction abortion as a method of family planning and that it will not provide funding for actions that assist a woman with an unintended pregnancy to obtain an abortion.

(c) Clinics which refuse to separate their abortion activities from legitimate Title X family planning services should not be eligible to receive Title X funds. I support the rules issued on February 2, 1988 which require that a Title X project be organized so that it is physically and financially separated from prohibited abortion-related activities.

(d) I support the implementation of these important regulations and will ask the Justice Department to appeal any court order barring implementation. I will also ensure that the Department continues to implement the regulations, to the extent practical, where not enjoined.

(e) To the extent practical, I intend to implement the new rules where not enjoined by court order from doing so.

Question 2: President Bush has said that the Federal Government must establish policies to encourage women with unplanned pregnancies to consider adoption as a life-giving, positive option for their babies. Pregnant adolescents especially need help in sorting through the long-term implications of their choices. Since the Title X family planning program is the largest Federal program specifically targeted at adolescents, this would be an important place to reach adolescents with information about adoption. Do you support allowing Title X projects to provide, at their discretion, adoption services?

Answer: Title X projects are intended to provide services to help individuals determine the number and spacing of their children. This includes a broad range of acceptable and effective methods to limit or en-

hance fertility, including contraceptive methods and the management of infertility (adoption may be considered as one method of infertility management). Although Title X does not fund pregnancy care services after pregnancy has been diagnosed, Title X projects are required to facilitate access to prenatal care and social services, including adoption services, that might be needed by a pregnant client to promote her well-being and that of her child.

Question 3: The Adolescent Family Life Demonstration Program is the only Federal program that targets adolescents with a message of abstinence and provides real alternatives to abortion (including the option of adoption). Can we count on your support for full funding of this demonstration program?

Answer: I support continued full funding of the Adolescent Family Life Program. As you may know, President Bush's budget provides for full funding of the program at \$10 million. As I stated before the Senate Finance Committee last week, I intend to actively encourage adoption and other alternatives to abortion.

Question 4: Each year, over 1.5 million women undergo abortions. Since the legalization of abortion in 1973, 20 million abortions have been performed in the United States.

On January 9, the Surgeon General of the Public Health Service reported to the President his conclusions on the health effects (both physical and psychological) of abortion for women.

The Surgeon General found documentation that after abortion there can be infertility, a damaged cervix, miscarriage, premature birth, low birth weight babies, etc. But he further noted that conclusive data did not exist due to poorly kept records.

With regard to psychological damage, he concluded that "at this time, the available scientific evidence about the psychological sequelae of abortion simply cannot support either the preconceived beliefs of those pro-life or of those pro-choice." The Surgeon General then recommended to the President that consideration be given to going forward with an appropriate prospective study on women who have undergone abortions.

Given the apparent lack of information and data on the health risks associated with abortion will you direct the Centers for Disease Control to begin to conduct a prospective study on women who have undergone abortions?

Answer: The Centers for Disease Control has looked into the feasibility of a study of the physiological and psychological consequences of childbearing.

At the request of the Surgeon General, CDC convened a meeting of invited consultants on February 29, 1988 to discuss the feasibility of conducting a prospective study.

Although the group members seemed to agree that a prospective study of abortion/childbirth morbidity would be valuable, they also agreed that there are significant problems designing and implementing such a study. The best study design would be methodologically difficult, including enrollment of large numbers of women prior to pregnancy, with frequent follow up until pregnancy, and then post-pregnancy follow up for at least 5 years. New psychological instruments would need to be developed and standardized. I will work with the Director of CDC to explore the practicality of undertaking such a study.

Question 5: This past year, the Senate entertained floor debate on the issue of

whether a spouse should have the right to know that his or her spouse has been infected with the AIDS virus. In light of the deadly nature of this disease, do you believe that a spouse should be notified?

Answer: The Department of Health and Human Services has a stated policy to strongly encourage notification of sexual and needle-sharing partners of HIV positive persons as part of the nation's HIV prevention strategy.

This policy was published in CDC's Morbidity and Mortality Weekly Report in August 1987 and was expanded and emphasized in a special report on partner notification published in July 1988.

CDC has notified States that they must have a plan for partner notification as a condition of funding for AIDS prevention programs. As of July 1988, all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands had a policy of urging HIV positive patients during their counseling sessions to notify their own sex and needle-sharing partners. In addition, 48 States plus the District of Columbia and the Territories provide health department assistance to infected persons in notifying at least some partners if requested.

One of the most important reasons that State and local health departments have not provided more widely available assistance in partner notification is that the necessary resources—both financial and trained personnel—are not available to them.

The Department will work to enhance the effectiveness of programs for notifying the spouse of a person who is infected with HIV. On an ethical basis, there is a compelling argument for such a policy.

The primary purpose of spouse or other partner notification programs is to reduce transmission of HIV in our population. The way in which such programs are structured has a major impact on their effectiveness.

The most desirable way to effect spousal notification is by supporting the infected person in the process of notifying his or her own spouse. Programs, such as those operated by blood banks to counsel seropositive donors, have demonstrated that with sufficient support, most married HIV infected persons are able to and will notify their own spouses. Some may require assistance.

Adoption of such a program at the Federal level still will require implementation and enforcement at the State and local level. We have already demonstrated, however, that with proper support and encouragement, the States and local areas will implement such programs in the absence of Federal legislation, and will expand these programs as resources become available.

Many professional societies, including the American Medical Association and the American Academy of Pediatrics, are considering positions strongly encouraging spouse and sex partner notification. These positions should be encouraged, and the Department should work with these organizations as well as with State Medical Societies and other organizations to develop educational programs for physicians to help them deal with this important issue.

A major concern of all groups is that coercive spousal or partner notification programs not discourage individuals at high risk of HIV infection from participating in counseling and testing or drive them towards participation only in anonymous testing programs in which sex partner identification would not be possible.

Were Congress to pass legislation mandating notification of spouses of HIV infected

persons, I would do my best to see that such requirements are complied with. It will be important to consider, in developing any such requirements, the issue of physician liability.

Question 6: There are large discrepancies in the estimates about the actual number of persons who have been infected with the AIDS virus. Some federal health officials estimate the number to be up to 1.5 million. Others place the number closer to 10 million. In June of 1986, President Reagan ordered the Centers for Disease Control to conduct a wide-spread epidemiological study to determine the rate and prevalence of the virus. That study was never begun. Will you direct the CDC to conduct a wide-spread study?

Answer: CDC estimates that the number of persons in the United States infected with HIV is between 1.0 and 1.5 million. This estimate is compatible with data obtained from CDC's "family of HIV seroprevalence surveys," testing of military recruits, results from HIV surveillance in sentinel hospitals, and serosurveys of childbearing women.

In response to President Reagan's directive, CDC has awarded a contract to conduct a national household survey to determine the prevalence of HIV in the general population of the United States. The contract requires the work to be completed in two phases. Phase I is a feasibility study, and Phase II is the national survey. Phase I is currently underway.

If the results of the feasibility study show that it is possible to obtain accurate information at acceptable cost from a household survey of HIV seroprevalence, CDC will recommend that the full national survey be conducted, and CDC will request the funds necessary to conduct that survey. If pilot and pretest results indicate that accurate data cannot be obtained from such a survey, CDC would not recommend proceeding. Accurate information is critical, but a survey which either underestimated or overestimated HIV seroprevalence could impede efforts to plan appropriately for AIDS/HIV control and prevention efforts and necessary services.

Question 7: During the 100th Congress, there was an effort here in the Senate to enact a Federal confidentiality law. That law would have repealed State laws that allow certain individuals to be notified if they will handle or have handled body fluids of an AIDS patient. Do you support enactment of a Federal confidentiality law which does not take into account individuals who come into contact with the AIDS virus?

Answer: I believe that strong confidentiality protections for information about AIDS patients or persons infected with HIV are necessary, and I also believe that any such protections must include provisions for revealing information, under carefully controlled and limited circumstances, when it is necessary to protect the health of others.

I understand that the Department is now studying, at the request of Congress, the State laws that protect the confidentiality of information about AIDS patients and persons with HIV-infection. When that study is completed, and we have a sense of the extent and nature of the protection under State law, I will consider whether Federal legislation is necessary or desirable, or whether this is best left to the States.

Question 8: Do you believe that living embryos, fetuses, and newborns should be protected from biomedical and behavioral research activities that involve greater than

minimal risk of suffering, injury, or death unless the activities are designed to benefit the fetus or newborn?

Answer: The Department of Health and Human Services has a longstanding commitment to the protection of all human subjects in research. In addition to the Department's broad regulations protecting research subjects, there are special regulations to guard against exploitation of vulnerable research subjects—especially pregnant women, fetuses and children.

Our regulations prevent the use of *living fetuses* in research unless there is a therapeutic benefit to the fetus or unless the research poses essentially no risk to the fetus (the test for this latter exception is that the research is conducted on fetuses in utero without reference to whether the fetus is to be carried to term or not). Congress has codified these strong protections into section 489 of the Public Health Service Act.

Question 9: Fetal tissue implants may offer the promise of improving the treatment of a number of intractable afflictions ranging from Parkinson's disease to diabetes. I say may because scientists are still debating the effectiveness of such procedures. While the goal is certainly admirable, the means used to achieve the goal, namely harvesting aborted children, raises numerable ethical and moral questions. Do you believe that an unborn or newborn child who has died as a result of an induced abortion should be used for purposes of research or transplantation?

Answer: Generally, fetal, child, and adult cadavers are now treated largely alike under Federal and most State laws. However, we need to recognize that fetal cadavers, unlike adult and child cadavers, often become available as a result of a volitional act, namely, an induced abortion.

In March 1988, the Assistant Secretary for Health imposed a moratorium on NIH-funded research involving the transplantation of human fetal tissue from induced abortions. This moratorium was put in place in order to give the NIH the opportunity to examine the ethical, legal and scientific ramifications through an independent advisory committee.

I anticipate that it may be a month or so before I formally receive the complete package. At that time, I would expect to review the entire file and consult thoroughly with members of Congress and various participants of the ad hoc panel, among others.

I can assure you that guiding my decision is a strong conviction that no action should be taken that would encourage or promote abortion. It would not be appropriate to encourage women to have an induced abortion for the purpose of obtaining tissue for research.

Question 10: Dr. Sullivan, I have been troubled by reports that the Child Abuse Amendments of 1984, which prohibit discriminatory denial of medical treatment to children born with disabilities, have been inadequately enforced. In particular, I am told that quite a number of the state agencies that get federal funds to enforce that law have policies that on their face are out of compliance with it. Would you commit the Department, under your leadership, to require the state agencies to submit their policies and procedures to HHS? And would you commit the Department to conduct a thorough review of those policies to ensure that any state agency that is found to be out of compliance revises its policies as a condition of receiving federal funding under this program?

Answer: I plan to look into this matter and to explore with the Justice Department and HHS Department personnel what our authorities are with respect to the Child Abuse Amendments of 1984 and the extent to which we are meeting our responsibilities. If there are deficiencies, I will take steps to correct them.

Question 11: I have one further question about the enforcement of this law. The law includes a very detailed standard for what medical treatment must be provided children born with disabilities. It is equally precise about the exceptions—what treatment may legally be withheld. But I am told that there are some who argue that states do not have to enforce this federally defined standard of care to get funding. They say that denials of treatment in violation of this standard of care must be reported to a state agency, but that the agency and the state courts don't actually have to require that treatment be provided in accordance with it—that each state can set its own rules on who will live and who will die. My question is whether it will be the intention of HHS under your leadership to enforce the congressionally defined standard of care, or whether you will fund states whose agencies or courts apply a different standard of care?

Answer: Although I have not personally reviewed the child-abuse legislation and its implementing regulations, I understand they do contain detailed requirements States must follow in dealing with reports of withholding of medically indicated treatment to infants.

I further understand that an Office of Human Development Services task force is looking into (1) whether States have the necessary processes in place to comply with these requirements and (2) what further steps the Department should take to encourage and promote enhanced compliance in this area. After I am confirmed, I will ask HHS to update me on the task force's progress.

Question 12: The absence of reliable data on the number of children in foster care makes it difficult to analyze and monitor the movement of children in and out of substitute care. Will you work with the Office of Management and Budget to put in place a system to enable us to gather foster care data?

Answer: I understand that the Office of Human Development Services is already working with OMB to develop an extensive plan for collection of data covering children in foster care.

Mr. HELMS. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I congratulate President Bush on his selection of Dr. Louis Sullivan to be the new Secretary of Health and Human Services.

Dr. Sullivan is widely respected among faculty members and administration officials in the Nation's colleges and universities. I have heard many complimentary remarks from friends in the higher education community about Dr. Sullivan's intelligence, his capacity for hard work and his pleasant personality.

I enjoyed a recent meeting with Dr. Sullivan in my office and was very favorably impressed with him and his commitment to use his abilities to the

fullest in administering the programs of the Department of Health and Human Services.

As a southerner I am proud that our region will be represented in the President's Cabinet by a man who is so highly regarded and so obviously well qualified for the challenge of this important undertaking.

Mr. DANFORTH. Mr. President, I rise today to express my support for President Bush's nominee for Secretary of the Department of Health and Human Services. The importance of this position cannot be underestimated. The next Secretary will preside over a department that affects the lives of almost every American. He will be responsible for a department with a budget of more than \$400 billion and will be handling some of the most complex issues facing our country today. Dr. Louis Sullivan is an accomplished and thoughtful health care professional who promises to meet successfully the enormous challenges of this position.

The most difficult problems he will face will be in the field of health care. Dr. Sullivan's strong background in this area will prove invaluable at a time when health care costs are soaring and increasing numbers of people are left without insurance to cover the costs of even the most basic care. Dr. Sullivan's experience as a practicing physician and as a medical school administrator give him a depth of understanding of the ethical choices that we as a country will have to make in the future. In his testimony at the Finance Committee hearing, he very thoughtfully discussed the serious dilemma that our country must begin to face—as a result of our advanced medical technology, we are now able to perform more services than we can reasonably afford. His understanding of cost containment issues and the ethical questions involved is strengthened by his insights into the problems of the uninsured. Because of his efforts to improve medical care in underserved areas, he has a deep understanding of the great inequities in our existing system and the importance of addressing these issues within the broader context of the health care system. I have great confidence that Dr. Sullivan will do more than react to the problems before us. As a result of his background and unusual sensitivities, I believe that Dr. Sullivan will be a leader in developing a national policy for our country's health care system. I look forward to working with him on this very important effort.

My brother Dr. William H. Danforth, who is the chancellor of Washington University in St. Louis and a physician himself has known Dr. Sullivan for many years. His comments about the nominee very effectively summarize my own feelings:

Dr. Louis Sullivan's background of accomplishment in medicine, science and education demonstrates that he has the ability to be a strong Secretary of Health and Human Services. Perhaps even more important, he is a man of integrity and conscience who understands and has wrestled with the great questions of justice and of equity. I am certain he will be more than strong; he will be outstanding.

Mr. MITCHELL. Mr. President, I rise to support the confirmation of Dr. Louis Sullivan as Secretary of the Department of Health and Human Services. While Dr. Sullivan has been nominated for one of the most difficult jobs in Washington, he has assured me and my colleagues on the Senate Finance Committee that he looks forward to the task with commitment and enthusiasm.

As a member of the committee, and as the former chairman of the Health Subcommittee, I am painfully aware of the tremendous challenge we face in providing health and human services to the most deserving of our citizens in a time of severe fiscal constraints upon the Federal budget.

The citizens most dependent upon the programs within the jurisdiction of the Department of Health and Human Services are often the most frail in our society—children, the elderly, and the disabled. As our population ages we face an enormous burden of assuring the soundness of the Social Security system, the fiscal solvency of the Medicare Program, and the safety net of Medicaid coverage for poor elderly.

At the same time we are aware of the serious problems facing children in America today. As our colleague Senator MOYNIHAN often reminds us, one in five American children lives in poverty. Often these children do not have access to basic health care services. We must find viable ways to invest in the health and welfare of the Nation's children or we will pay a tremendous price for our failure to do so—both in fiscal costs and in human costs.

I commend Dr. Sullivan for his willingness to take on this great task and pledge my support to work with him to protect the important programs of the Department of Health and Human Services. We will be called upon to make difficult choices. We may have disagreements about those choices. But we must keep in mind that we share a common goal—to provide access to health care and other critical human services for all of our citizens.

Mr. DOLE. Mr. President, there is no department of Government that has the capacity of impacting on as many lives as does the Department of Health and Human Services. From the conduct of basic biomedical research to the financing of disability benefits, the Department deals with those in the dawn of life and those nearing the sunset of their days.

Lou Sullivan is uniquely qualified to lead this vast agency and represent its many constituencies.

Mr. Chairman, there are huge problems facing America today; AIDS; the skyrocketing cost of medical care; the steadily disappearing rural hospital; an unacceptable level of infant mortality; the need for long-term care; the need to break the welfare cycle; the need to reassure our elderly of our support; and the continuing need to break down physical and attitudinal barriers that keep America's disabled out of the mainstream.

Lou Sullivan is a proven administrator who has dedicated his career to excellence—not only in the development of a high quality school of medicine, but also in his teaching, research, and in outreach to every segment of society.

He is a man of strong intellect who can master both the issues and the bureaucracy.

He is a man of strong conviction who can take the lead in achieving the kinder, gentler Nation President Bush envisions.

He is also a man who can lead others and provide the direction and support needed to energize the human resources available at HHS.

He brings the sensitivity of one who has cared for patients and the hard-headedness of a CEO who has built a medical school.

President Bush has made a quality pick for HHS, he deserves our support.

Mr. BYRD. Mr. President, I support the nomination of Dr. Louis Wade Sullivan to be Secretary of Health and Human Services.

The Department of Health and Human Services, perhaps more than any other Federal agency, touches the lives of each and every one of our citizens. Aside from administering the Social Security, Medicare, and Medicaid Programs, the Department also is responsible for administering many of the programs that provide support services to families. Administering these programs is a huge job, but a job that is vital if we are to address the issues of drug abuse, adoption assistance, foster care, child abuse prevention, day care, and many other of the problems facing us as a society today.

Of equal importance, are the health programs administered by the Department through the Public Health Service, the National Institutes of Health, and the Centers for Disease Control. Good health care and prevention of disease are vital to the well-being of our people. Cardiovascular diseases, such as stroke and heart attack, are the leading causes of death in this country, followed by cancer. Today, although we have conquered many of the diseases of the past that so ravaged our country—such as polio and smallpox—too much still remains to be

done. A great deal is yet to be learned about occupational diseases, and everyone is concerned about the growing number of AIDS cases, and diseases associated with the elderly, such as Alzheimer's disease.

Access to quality health care is also an issue that must be addressed. Unfortunately, there is a shortage of medical doctors in many areas of our country, and rural hospitals in many States are closing. West Virginia is not unaffected by these problems.

A chain is only as strong as its weakest link. So is our Nation strong, as long as our people flourish. It is essential that we maintain our Federal commitment to bettering the lives of those suffering from disease, and in finding solutions to those unique problems that confront our families today.

Dr. Sullivan has stated his strong interest in biomedical research, and in programs, to assist the disadvantaged, our children and the elderly.

I, too, have a strong interest in seeing that the Federal commitment remains strong, and I hope that Dr. Sullivan will work with the Congress. Dr. Sullivan is well-respected, and I believe that his background in the field of health, education, and public service will be an asset in meeting the demands that will be placed on him as Secretary of Health and Human Services. As previously indicated, I support Dr. Sullivan's nomination.

Mr. PELL. Mr. President, I strongly support the nomination of Dr. Louis W. Sullivan to become Secretary of Health and Human Services.

Dr. Sullivan's credentials have already become familiar to us all. As the president and former dean of Morehouse School of Medicine in Atlanta, GA, as a former professor of medicine at Morehouse and at Boston University, and in his numerous other professional positions, Dr. Sullivan has a clear record of accomplishment and achievement.

What is less well known is the breadth and depth of Dr. Sullivan's experiences. Dr. Sullivan has served on numerous occasions as a consultant to the National Institutes of Health, including the National Cancer Institute, and has served both the Veterans' Administration and the Food and Drug Administration in an advisory capacity. Dr. Sullivan has also been involved with such organizations as the National Leukemia Society, the Association for Academic Minority Physicians, and the National Academy of Sciences, to name only a few.

In short, Dr. Sullivan has had a career filled with knowledge and experience in many of the areas of medicine and health policy which he will face as Secretary of Health and Human Services. But the greatest knowledge, and the most impressive credentials would mean little without the vision which Dr. Sullivan has

shown throughout his career. As a leader in establishing Morehouse School of Medicine, Dr. Sullivan has shown a commitment to and understanding of the needs of minority students, and has found a way, at Morehouse, to turn an important idea into a successful reality.

It is my hope that Dr. Sullivan will, as Secretary, turn that same creative energy toward a new and massive problem: the health care and human services needs of the American people. More than ever, vision is needed. And more than ever, fiscal and attitudinal barriers exist which hinder change. Dr. Sullivan is given today the challenge of doing better than the best that can be done, because the American people have great needs, and those needs can wait no longer.

While the scope of the issues facing Dr. Sullivan is staggering, including Medicare, Medicaid, Social Security, programs affecting children, the elderly, and the disabled, and the health and human service needs of a nation, I share Dr. Sullivan's view that health promotion and disease prevention programs should receive a high priority in the years to come. As a cost-efficient means of improving both the quality of life and the health of the American people, we could not do better than to give people access to health information, health care, and a chance at a better life.

I look forward to working with Dr. Sullivan and my colleagues on the committee in achieving compassionate and fiscally responsible solutions to the complicated and important problem of how best to deliver health care and human services now, and in the years to come.

Mr. HARKIN. Mr. President, I rise today in strong support of the confirmation of Dr. Louis Sullivan for Secretary of Health and Human Services.

I have been impressed with his understanding of the critical issues in health care today, particularly the need to control escalating costs while ensuring both access and quality in health care services for all Americans, especially those who are poor, elderly, disabled, or disadvantaged.

I was also heartened to hear from Dr. Sullivan that he shares the President's commitment to ensuring that Americans with disabilities take their rightful place in the economic mainstream of society. In that context, I look forward to working with him on the Americans With Disabilities Act, so that together we can bring down the barrier of discrimination that denies too many of our disabled citizens the opportunities that should be theirs as a matter of law.

He has also expressed both publicly and privately his sensitivity to the health care needs of rural America. We must work cooperatively to address these critical health care needs—

because not to address them will result in severe economic consequences for all America. I hope to see the Department of Health and Human Services, under Dr. Sullivan's direction, take a leadership role in this effort.

Finally, the issues of prevention of disease and morbidity must continue to occupy a preeminent place in our battle to improve the health of our citizens. We must be aggressive in pursuing our commitment to biomedical research, reducing infant mortality, preventing the ingestion of pesticides, and improving the health and safety of the workplace.

In my capacity as chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I look forward to exploring these issues in depth with Dr. Sullivan at his April 10 hearing regarding the HHS budget.

In closing, I would like to express my confidence that with Dr. Sullivan as the Secretary of Health and Human Services, the challenges that confront us today will be dealt with in a compassionate, thoughtful and responsible way. I am pleased to vote for his confirmation today.

Mr. DURENBERGER. Mr. President, I am pleased to have the opportunity to speak in support of President Bush's selection to be Secretary of the Department of Health and Human Services.

The Department of Health and Human Services faces some of the most significant challenges of our society and holds within it the promise of creating for all Americans a better more fulfilling life.

It is in the programs of this Department that President Bush, Dr. Sullivan, and Congress will be called upon to make the tough choices and decisions that will make this Nation kinder and gentler.

As Secretary of HHS, Dr. Sullivan will be called upon to advise the President on health, welfare, and income security policies and programs.

Through its five program divisions including the Social Security Administration, Health Care Financing Agency, Office of Human Development, Public Health Service, and the Family Support Administration the programs and policies of HHS manage to touch just about every American during their lifetime.

With an annual budget of approximately \$400 billion, HHS administers the third largest budget in the world, behind only the budgets of the United States and the Soviet Union.

Dr. Sullivan has an impressive résumé and brings considerable qualifications to the job. Dr. Sullivan is a graduate of Morehouse College in Atlanta. He received his medical degree, cum laude, from Boston University. From there he became an instructor in

medicine at the Harvard Medical School and an assistant professor of medicine at the New Jersey College of Medicine.

More than any of the other remarkable achievements of Dr. Sullivan's life—and there are many—I believe the founding of the medical education program at Moorhouse College in 1975 is his finest. Its development into an independent program in 1981 shows not only the deep commitment to a better life for all Americans that Dr. Sullivan holds but also his ability to make that commitment become a reality.

Mr. President, I come before you today with a spirit of great optimism for this Department. We are of course faced with some formidable problems in the health care field that in many ways are the results of our many successes. People are living longer than ever before and are enjoying levels of health far beyond those dreamed possible only a decade ago.

We have the most technologically advanced health care system in the world and excellent, well-trained physicians, nurses, and other health professionals.

Yet the benefits of this system are unevenly distributed and some lack access to even basic services. Moreover this is true even though we are spending more than any other nation on health services.

Why then am I optimistic? Because the convergence of leadership in Congress and in the Bush administration, coupled with recognition among health care providers that change is essential and eminent, provides an unparalleled opportunity for us to shape the health care system of the future.

We need a system that is kinder and gentler and provides access to cost effective services for all of our citizens, young and old, urban and rural, rich and poor.

I do not wish to underplay the difficulties which we will encounter or the obstacles we must overcome because they are formidable.

But with the leadership of Dr. Sullivan, together we can deal with these issues and craft a more responsive yet more cost effective health care system for the future.

Because of the preeminence of the issues facing this Department, there were many of us who wanted to see a Secretary with "inside the beltway" Washington experience, who already had one foot in the door ready to tackle the challenges before us.

However, I believe Dr. Sullivan has proven to me, to other Members of the Senate, and to the country that he has sound understanding of the issues and of the awesome challenges before him and that he is committed to working with the President, the Congress, and the people to see that the responsibilities are carried out.

I look forward to the fresh ideas, the new energy, and insight Dr. Sullivan will bring to this position.

If I could heed one note of caution it would be to point out the importance for him as he carries out the vast duties of Secretary of HHS to not lose sight of the overall picture.

He should have a full understanding of the issues facing the Department and work with Members of Congress and others in accomplishing this goal. I believe he will do this without losing sight of the traditional, basic values that have driven him to accomplish the things he has.

I was pleased to hear Dr. Sullivan state before the Finance Committee that he has "developed the habit of consultation—of seeking the wisdom and experience of others, exploring many alternatives, and sometimes playing devils advocate in order to understand all sides of an issue." This will be an important part of his job as Secretary of HHS. If we are to meet the formidable tasks ahead we must work together in developing sound policies to the problems facing this Nation.

I think it is interesting to note, that it is the nomination of the so-called Washington outsider that is moving smoothly through the Senate and it is the nomination of the Washington insider that is facing difficulties.

This Nation faces many serious challenges ahead. There are no more easy solutions. Options will be limited and decisions will be tough.

But again, I do not look upon this as a burden, but as new challenges and opportunities. It is when this country is in crisis, that it proves itself worthy of being the superpower that it is.

As we move forward, we must continue to change our attitude about how we measure a great society—to measure a country's greatness not by the amount of money we spend on various programs, but by the amount of opportunity we provide every member of society.

This is the type of thinking that was reflected in the passage of the welfare reform legislation lead by the distinguished Senator from New York and the type of thinking that will allow us to move forward in other areas including, coverage for the uninsured, greater employment opportunities for the disabled, and strengthening family life and family values.

Mr. President, I believe we have a candidate that is deeply committed to improving the quality of life for all Americans, who will provide fresh insight to the challenges before us, and has the ability to work with others to accomplish common objectives.

I commend President Bush on his selection, and I hope all of you will join with me in support of his nomination.

Mr. DOMENICI. Mr. President, I rise with pride today to support Presi-

dent Bush's nomination of Dr. Louis Sullivan to be this Nation's new Secretary of Health and Human Services.

The Department of Health and Human Services [HHS] is responsible for the largest component of the Federal budget, including such important programs as Social Security, Medicare, and Medicaid.

As my colleagues are aware, Federal spending on human resources has exceeded national defense every year since 1971. HHS controls most of that allocation.

In fact, the budget that Dr. Sullivan will oversee, a budget of around \$400 billion, is larger than the budgets of all of the world's independent nations except perhaps the Soviet Union. The "World Fact Book" (CIA) for 1987, for example, lists the total government expenditures for the United Kingdom at \$314.5 billion; France at \$217.5 billion; and Germany at \$121.3 billion.

In his new position, Dr. Sullivan will have a critical responsibility for helping to shape much of this Nation's human resource spending, spending that touches the lives of nearly every American.

As Dr. Sullivan told the Committee on Labor and Human Resources: "The commitment to serve is the unifying force at HHS" and its 114,000 employees nationwide.

HHS policy and spending have a direct impact on such important issues as the homeless, rural hospitals, AIDS victims, Indian health, medical research, mental health research, and health care for the poor and elderly. Key block grants from the Department of Health and Human Services also will have a direct bearing on the success or failure of our new war on drugs.

Many of the scientific breakthroughs that we hope will come soon in the study of the human genome, schizophrenia, and the AIDS virus will occur in HHS laboratories and through HHS grants.

Better biomedical research and treatments for mental illness will have impact in every nation looking for better ways to treat its victims of AIDS, mental illness, and even heart disease.

The President's nominee for Secretary of HHS reminded the Senate Committee on Labor and Human Resources that his notion of service will not forget "our continued assault against cancer, heart disease, diabetes, arthritis, and the other disorders afflicting our citizens."

There is no Federal department where this commitment to service can have greater potential for affecting the lives of millions of citizens directly.

I am optimistic that Dr. Sullivan will be confirmed by the full Senate. I therefore take this opportunity to em-

phazise a very important and fairly new initiative in the National Institute of Mental Health [NIMH]. Under the leadership of Dr. Lewis Judd, the National Advisory Mental Health Council has produced a national plan for schizophrenia research.

I commend this excellent plan to Dr. Sullivan for his early review and support. I believe firmly that this blueprint for the future of mental health deserves the Secretary's full support. I also believe that such support will produce many rewards for the Department. More importantly, it offers hope for the millions who suffer from this dreaded disease.

Dr. Sullivan has also stressed his commitment to fighting drugs in our society. He has reminded us that he understands how the problem of drugs "gnaws at the fiber of our families and the stability of our social structure." He has promised to "work long and hard *** in doing all I can to halt this terrible epidemic."

I will support his every effort to stop this terrible epidemic on every possible front.

Regarding the Nation's health, Dr. Sullivan is committed to rural and inner city health needs. He has called for proper and dignified treatment to improve "the relatively poor health status of our minority citizens: Black, Hispanic, Native American and those others who have yet to fully realize the American dream." They will, he said, "be of special concern to me."

Mr. President, President Bush is to be commended for nominating Dr. Sullivan to take on the challenges that will make us a "kinder and gentler nation."

Dr. Sullivan is a graduate of Morehouse College (B.S.) and Boston University (M.D.). He was an instructor in medicine at Harvard Medical School, professor of medicine and physiology at Boston University School of Medicine, and the founder and first dean and president of the Morehouse School of Medicine. His commitment, energy, and contributions to academic medicine are well known among his peers.

Mr. President, Dr. Louis Sullivan will bring that same energy and commitment to the leadership post of the U.S. Department of Health and Human Services.

He will make a great Secretary of HHS, and I am proud to cast my vote for his confirmation.

Mr. BAUCUS. Mr. President, I would like to lend my strong support to the confirmation of Dr. Louis Sullivan as Secretary of the Department of Health and Human Services.

We have plenty of difficult problems for Dr. Sullivan to deal with here in Washington. I would like to highlight one area that needs a strong advocate at the Department of Health and Human Services.

The delivery of health care in rural America has reached a crisis stage. One-fourth of all Americans live in rural areas. But they're older and have less resources than those in urban areas. Thirty percent of the Nation's seniors who are eligible for Social Security and Medicare, and 38 percent of those living below the poverty line, live outside of cities.

Often Government programs, particularly those designed to bring efficiency to public policy, are created without an understanding of their impact on rural America. Dr. Sullivan's own area of expertise, health care, offers good examples.

Rural hospitals are in trouble. Medicare prospective payment may be efficient when a 17-bed hospital in the middle of New York City or Chicago is forced to close. But close a hospital of that size in Roundup, MT, and you have eliminated reasonable access to health care for thousands of Americans and disrupted an important foundation of the local economy.

It is not just hospitals. It is also doctors. I am told by many of my colleagues who live in cities that they have a glut of physicians, too many of them. In Montana, over half of the counties are having a hard time trying to recruit a single primary care doctor. No wonder, when a doctor takes call 24 hours a day, and then discovers that Medicare pays him or her 30 percent less than a colleague living in a city. This just isn't right.

Dr. Sullivan will be assuming tremendous responsibility for the health and well-being of our Nation's citizens. I am impressed that he has expressed a willingness to learn more about those areas of this country that he has not visited, and that he has agreed to come to Montana. I look forward to showing him firsthand the problems that frontier hospitals and doctors have in providing health care to rural America.

I have asked Dr. Sullivan that he remember that in rural America, doctors anchor hospitals, hospitals anchor local economies, and economies anchor people. Any break in the chain can destroy lives—destroy whole communities.

I look forward to working with Dr. Sullivan to solve some of these very difficult problems.

Mr. MATSUNAGA. Mr. President, I rise today in support of the nomination of Louis W. Sullivan, M.D., for the office of Secretary of Health and Human Services. As Dr. Sullivan emphasized in his statement before the Finance Committee last week, this Department "touches the lives of Americans wherever they are most vulnerable—from the beginning of life, through health and sickness, from the foods we eat to the medicines we take, to the care of the elderly and disabled." I hope and trust that Dr. Sulli-

van will hold firm in his commitment to ensuring the health and welfare of all people in our country with the resolve he has demonstrated throughout his distinguished career.

Formerly the president of the Morehouse School of Medicine in Atlanta, GA, which he helped found and had headed since 1975, Dr. Sullivan is viewed as an accomplished physician, a committed academic, and a successful administrator. He has been particularly active in championing research on health problems facing minorities and takes pride in the record of Morehouse School of Medicine for sending scores of young minority physicians into medically underserved rural areas and inner cities.

Mr. President, the challenges facing the Secretary of Health and Human Services today are gargantuan, especially in light of the budget deficit. The Department has a \$400 billion budget, which is larger than that of but a few major nations. Dr. Sullivan has acknowledged the immensity of this role and has stated his intention to bring a new spirit of kindness and compassion to the Department.

I heartily concur with Dr. Sullivan's priorities: containing escalating medical costs without sacrificing quality care for all, emphasizing health promotion, sustaining and improving programs like Head Start and Aid to Families with Dependent Children, addressing children's health issues, bolstering biomedical research, and focusing our resources on the poor, the disadvantaged, and the neglected in our society. As a member of the Finance and Labor and Human Resources Committees, I look forward to working with Dr. Sullivan in these endeavors.

Mr. President, I urge that my colleagues do confirm the nomination of Dr. Sullivan.

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to vote on the nomination. The question is, Will the Senate advise and consent to the nomination of Louis W. Sullivan, of Georgia, to be Secretary of Health and Human Services. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—98

Adams	Bingaman	Breaux
Armstrong	Bond	Bryan
Baucus	Boren	Bumpers
Bentsen	Boschwitz	Burdick
Biden	Bradley	Burns

Byrd	Hatfield	Murkowski
Chafee	Heflin	Nickles
Coats	Heinz	Nunn
Cochran	Hollings	Packwood
Cohen	Humphrey	Pell
Conrad	Inouye	Pressler
Cranston	Jeffords	Pryor
D'Amato	Johnston	Reid
Danforth	Kassebaum	Riegle
Daschle	Kasten	Robb
DeConcini	Kennedy	Rockefeller
Dixon	Kerrey	Roth
Dodd	Kerry	Rudman
Dole	Kohl	Sanford
Domenici	Lautenberg	Sarbanes
Durenberger	Leahy	Sasser
Exon	Levin	Shelby
Ford	Lieberman	Simon
Fowler	Lott	Simpson
Garn	Lugar	Specter
Glenn	Mack	Stevens
Gore	Matsunaga	Symms
Gorton	McCain	Thurmond
Graham	McClure	Wallop
Gramm	McConnell	Warner
Grassley	Metzenbaum	Wilson
Harkin	Mitchell	Wirth
Hatch	Moynihan	

NAYS—1

Helms

NOT VOTING—1

Mikulski

So the nomination was confirmed.

DEPARTMENT OF ENERGY

NOMINATION OF ADM. JAMES D. WATKINS, OF CALIFORNIA, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Adm. James D. Watkins, of California, to be Secretary of Energy.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Debate on the nomination is limited to 20 minutes to be equally divided and controlled by Senators JOHNSTON and McCLURE.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am pleased to bring before the Senate President Bush's nomination for Adm. James D. Watkins to be Secretary of Energy. The Commission on Energy and Natural Resources, just this morning, cleared this nomination by a vote of 19 to nothing. And I would like the RECORD to show, as I have just indicated, that we are, first of all, bipartisan; second, unanimous; and, third, very expeditious in the way that we are dealing with this nomination.

Perhaps the reason for that is that James D. Watkins, former Chief of Naval Operations, distinguished American, deserves that kind of treatment. He has that kind of record. He is a man of that substance and that reputation.

Mr. President, the most important message of this nomination is that we as a government are going to treat energy with the importance it deserves.

After 8 years of neglect, perhaps we can begin to put our energy house in order.

After 8 years, perhaps we can acknowledge that there is a Federal role and responsibility for energy.

Perhaps we can admit that accomplishments in energy are not automatically suspect because the Federal Government is involved.

The President has sent us a highly qualified, committed nominee for Secretary of Energy. He has announced his intention to nominate Henson Moore, widely respected in the field of energy policy, to be Deputy Secretary. These nominations must be followed by the naming of qualified, committed people for the important subordinate positions in the Department—Director of the Nuclear Waste Program, Assistant Secretary for Defense Programs, Assistant Secretary for Environment Safety and Health, the head of the Uranium Enrichment Program, to name only a few.

The quality of the people in these positions is very, very important for Admiral Watkins' success as Secretary.

He will need people he can rely on in these positions. The Energy Department faces an array of problems of unprecedented magnitude. Solution of these problems will call for strong, active, professional leadership and a substantial commitment of resources, things often missing in the last administration.

DOE WEAPONS COMPLEX

Admiral Watkins' first priority at DOE is restoring the credibility of the Department's nuclear weapons complex.

This is a very tricky job. On one hand, he must be an advocate of safety and cleaning up the environment. He must tell people what he plans to do. He must let them comment on his plans, and he must respond to their comments. He must be open, candid, and above suspicion. He must have credibility with the public.

On the other hand, he should remember that there are some people he is never going to satisfy. We have spent hundreds of millions of dollars on civilian nuclear reactors in a futile attempt to satisfy professional nuclear critics. They aren't satisfied. They never will be.

He must make safety his priority. He must be sensitive to safety, he must manage with safety in mind, he must

go the extra mile for safety. But he does not have a charter to throw away hundreds of millions of taxpayers' dollars just because of a minority that does not understand or care about real safety.

The proper course is to bring the best scientific and engineering minds available to analyze what has to be done, assure that the plan will pass review by those who know the most about the science involved, establish a scientific consensus that the plan is responsible and adequate to protect the public health and safety, and then stick to it.

The Committee on Energy and Natural Resources will do what it can to help build support for a responsible plan that is based on sound scientific analysis and engineering judgment.

ATTENTION NEEDED TO OTHER ISSUES

The problems of the defense complex will get the media attention. However, Admiral Watkins must not let this distract him from several very important nondefense issues that require urgent action by the Department.

OIL

By far the most serious nondefense issue is the state of our oil supplies. Oil is the most important energy source in any national energy policy.

Half our energy consumption is oil. In some important cases, such as transportation, it is impossible or too expensive to use fuels other than oil.

Way too much oil is imported from the Middle East. One look at what is going on there today should be sufficient to see the folly of over dependence on this source of oil.

In 1988 we imported 42 percent of our oil. Three years ago we imported 31 percent. The bulk of that growth has come from OPEC.

Our domestic production of oil is falling at the fastest rate in modern times. We lost a million barrels per day of production between 1986 and 1988. Lower 48 oil production today is the lowest it has been since 1950.

The President has proposed some tax incentives for oil production. That is all right as far as it goes. But it does not go far, and it costs the Treasury money. Senator BENTSEN and I intend to reintroduce our oil import fee legislation. An import fee not only boosts domestic production, it also reduces the deficit.

We need to get Henson Moore confirmed. I cannot think of a better person to help create an oil policy that matches the dangers we face from our growing oil dependence. We need to act now.

NUCLEAR WASTE

The nuclear waste program has not had a director since 1987. The Department needs a top-quality person in this job now.

There is tremendous exposure in this program—politically and financially. Moreover, having an effective civilian radioactive waste program is essential to the success of efforts to clean up defense radioactive wastes. The defense high-level radioactive wastes will be placed in these facilities.

URANIUM ENRICHMENT

We urgently need to reform the DOE Uranium Enrichment Program, or DOE will lose many of its domestic utility customers. We have already lost most of the world market.

Reform requires legislation. Last Congress we passed legislation in the Senate to deal with this problem. We will need the administration's help in this Congress, especially in the House.

ADVANCED REACTORS

The DOE program to develop the next generation of nuclear reactors needs attention. The current program lacks focus and is facing rising facility costs.

We need to demonstrate to the public that modular reactors with passive safety features can be designed, financed, constructed, and licensed in a reasonable fashion. DOE's program is supposed to do this, but it is not.

We simply cannot do without nuclear power if we hope to deal with electricity demand growth and the challenge of global warming.

SCIENCE FACILITIES

The previous administration proposed many more scientific facilities than could possibly be funded in the current budget climate. The superconducting super collider is only the most visible part of the problem.

Priorities must be established. The science community seems to recognize this. DOE's leadership in matching what we want with what we can afford is essential.

ACID RAIN

President Bush has declared that the administration will support legislation dealing with acid rain. Clean coal technology should be part of this effort.

GLOBAL CLIMATE CHANGE

The growing concern over the possibilities of global climate change has important implications for energy policy and energy use. DOE should be a significant participant in all research and development programs and policy studies dealing with this issue.

Mr. President, I am very pleased that Admiral Watkins is going to be in this position of Secretary of Energy which is, perhaps, the most daunting challenge that we have ever given to anybody in the Cabinet, in terms of building and refurbishing plant and equipment and cleanup of toxic waste, outside of wartime, at any time in the history of this country. He is, indeed, deserving of all the tremendous accolades he has received.

I reserve the remainder of my time and yield to Senator ADAMS such time as he may require.

Mr. ADAMS. I thank the chairman of the committee. I rise in support of this nomination.

We are very pleased to have a person in this admiral who is not only experienced but is a person dedicated to moving forward with many of the waste problems, as the chairman has said. We look forward to working with him.

Mr. President, I rise today to speak in support of the confirmation of Adm. James Watkins as Secretary of Energy. I have reviewed the admiral's record. I have met with him and with Deputy Secretary-designate W. Henson Moore to discuss the major problem areas within the Department as they effect the State of Washington and national security policies. I am impressed with what I have found.

I want to report to my colleagues and the citizens of my State that I found Admiral Watkins most candid and forthright about the difficult challenges he faces in his newest service to the Nation at the Department of Energy. First and foremost, the admiral recognizes that in addition to the myriad of physical and budget problems facing the Department—especially in terms of environmental, safety, and modernization requirements at its nuclear weapons production complex—the management structure and philosophy of the Department needs some major renovation. This reform is long overdue and as a former Cabinet Secretary who has struggled through a reorganization of a major Federal agency, the need for internal reform may well be the most daunting task the new Secretary will face.

Second, Mr. President, the State of Washington has recently completed a long and difficult set of negotiations with the Department of Energy, the U.S. Environmental Protection Agency, and the Justice Department to develop a comprehensive cleanup plan for the Department of Energy's Hanford Reservation. The resulting agreement, which is expected to become effective within the next 2 months, will provide a detailed blueprint for cleaning up more than 1,000 waste sites at Hanford.

This agreement is an historic turning point in the relationship between the State of Washington and the Department of Energy. Without litigation, in a spirit of good faith, the Department of Energy and the State, under Gov. Booth Gardner's leadership, have worked out a new program for cleanup. In the process, the negotiations have ushered in what many of us hope is a new era of cooperation between our State and the Department of Energy and the Federal Government. Senator MARK HATFIELD and I both discussed the importance of this

agreement with Admiral Watkins including the need to provide additional funding in the current fiscal year to support this agreement. I am pleased that this additional funding has been made available and that the Hanford agreement has been reached.

I want to commend the admiral for his understanding and support for environmental restoration as a Department priority. I look forward to working with him on this endeavor and on the many other problems facing both the State of Washington and the Department as a whole. These include issues as diverse as the Bonneville Power Administration, energy conservation, basic science research, and new missions for the fast flux test facility. All are vital to the Nation and to my State. All will require a new openness, a new level of cooperation with affected States and interests, and a new relationship with the Congress that has not been in evidence in past practices at the Department of Energy.

Admiral Watkins faces a daunting task, but his tenure comes at a point in time when the Department of Energy is truly at a crossroads. I wish him well and urge my colleagues to support his confirmation.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Mr. President, on March 1, 1989, the Committee on Energy and Natural Resources favorably reported the nomination of Adm. James D. Watkins to be Secretary of Energy by a unanimous vote. I look forward to working with Admiral Watkins toward what I believe to be our common goal—the development and implementation of a comprehensive national energy policy to insure an energy-independent, healthy, and safe future for America.

Mr. President, I am greatly concerned with a general lack of national energy awareness and the absence of a true comprehensive national energy policy. Today, the United States is more dependent on foreign oil than it was prior to the 1973 Arab oil embargo. Domestic oil production has fallen and consumption has increased. If the current trend continues, we could be dependent on imports for two-thirds of our oil by as early as 1995. I am deeply concerned by this prospect, for what is at stake is our economic security, our foreign policy flexibility, and our defense preparedness. Such vulnerability must not be allowed to occur. The cornerstone of our present strategy for dealing with energy emergencies is the strategic petroleum reserve. However, even though the reserve is growing in absolute terms, due to budget constraints and rising consumption, we are down to 90 days of protection from a peak of 115 days in 1985. If the current trend continues,

by 1995 the SPR will provide only 60 days equivalent of net imports.

Upon confirmation, Admiral Watkins will be faced with a wide spectrum of problems to solve and challenges to meet at the Department of Energy. The development and pursuit of a long-term, comprehensive, and consensus-based strategy to foster the efficient use of energy and energy production consistent with the protection of national environmental values should be a priority. The Department of Energy also is facing a great many problems and difficulties relating to the current capability for meeting the Department of Defense's strategic materials requirements; the construction of the two new production reactors should be undertaken as soon as possible. In addition, there is growing concern about the adequacy of our Nation's overall nuclear waste disposal efforts. This concern includes both the disposal of civilian nuclear waste and the adequacy of environmental restoration efforts at the various natural laboratory sites.

I raised certain concerns of particular importance to me with the Secretary-designate; and from his responses I am satisfied he will attempt to address these concerns to the best of his ability. I look forward to working with him in solving these very real and very serious problems that are facing the Department of Energy.

Mr. President, I urge my colleagues to join me in supporting Admiral Watkins' confirmation as Secretary of Energy.

Mr. President, the most obvious question that the Secretary of the Department of Energy must confront is the widely publicized problems with respect to environmental conditions at the various defense production complexes that are operated by the Department of Energy.

While that is and must be very much on our minds, there may be an even more important question that this country must deal with, and that is the question of our growing dependence upon imported oil for the essential needs of our country and the associated long-range problems of how we deal with the combustion of fossil fuels to produce energy.

Those are less in the headlines today, but not less important questions. I am certain the President would want it known something that is relatively obvious in his nomination; that having selected a man with the background of administrative skills that Admiral Watkins has already demonstrated in more than one area of his career, it should be obvious that the President is very much concerned about the public perceptions of problems at defense production facilities and wants the public to understand that they are going to be dealt with. He selected a very strong and very

knowledgeable man to deal with those problems.

The only reason I take any time at all today is to underscore that point, but also to make the other point that while that perhaps preoccupies us because of the seriousness of the problem and its presence in the headlines, it is not the only problem with which this country must deal in the Department of Energy.

Mr. President, I yield to the distinguished Senator from South Carolina 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in support of the nomination of retired Adm. James D. Watkins to be the new Secretary of Energy. Admiral Watkins is well-qualified for this position, and I am confident that he will fulfill his duties with the same ability and integrity he displayed throughout his military career.

Born on March 7, 1927, in Alhambra, CA, Admiral Watkins graduated from the U.S. Naval Academy in 1949, the Naval Submarine School in 1951, and the Naval Postgraduate School in 1958.

This fine nominee's record in the Navy is long and distinguished. From 1967-69, he served as executive officer on the U.S.C. *Long Beach*, the Navy's first nuclear-powered surface ship. Later, Admiral Watkins became Chief of Naval Personnel from 1975-78. In 1978, he was named Commander of the Mediterranean 6th Fleet, and subsequently became Commander in Chief of the Pacific Fleet, a position he held until 1982. At that time, Admiral Watkins became Chief of Naval Operations and served in that position until his retirement in 1986.

After his retirement, Admiral Watkins played a key role as Chairman of the President's Commission on AIDS in 1987. Admiral Watkins was widely acclaimed for his leadership as Chairman of the Commission.

As a representative of the State which is home to the Savannah River Plant, I have a particularly keen interest in the policies of the Department of Energy and the new Secretary-designate.

His solid background in the field of nuclear energy will serve Admiral Watkins well as the chief spokesman for the Department of Energy. In 1958, he studied at the Oak Ridge School of Reactor Technology and in 1966-67, he studied at the Atomic Energy Commission's Division of Naval Reactors. In addition, he previously served as an administrative assistant at the Atomic Energy Commission. His experience and working knowledge of nuclear energy matters are irrefutable and will provide a sound foundation for him as Secretary of Energy.

I strongly support the nomination of Admiral Watkins and I urge my colleagues to move swiftly to approve this very able and dedicated nominee.

In closing, I want to say he has a reputation of being a man of character, a man of courage, a man of capacity, and a man of compassion. He has all the good qualities. He is a very able man. I feel he will make an outstanding Secretary of Energy.

Mr. BYRD. Mr. President, will the distinguished Senator from Louisiana yield me 2 minutes?

Mr. JOHNSTON. I yield the Senator 2 minutes.

Mr. BYRD. I thank the Senator.

Mr. PRESIDENT, I am pleased to have the opportunity to support the nomination of retired Adm. James D. Watkins to be the Secretary of Energy.

Admiral Watkins has had a distinguished career. He rose through the ranks of the U.S. Navy to serve as chief of naval operations for 4 years, prior to his retirement in 1986. He has won acclaim for his leadership in the difficult position of Chairman of the Presidential Commission on AIDS.

Admiral Watkins is committed to forging an "integrated energy strategy." We have lacked a national energy policy for the last 8 years, and we need to establish a policy that will work. I believe that, as the Secretary of Energy, he will work to ensure that our environmental policies are not put on a collision course with our economic policies.

In his confirmation hearing, as well as in a meeting with me, Admiral Watkins stated that he intends to play a major role in the administration's development of clean air and acid rain policies. I am pleased that he will do so. An engineer by training, Admiral Watkins understands the importance of not allowing policy to get ahead of technology. He understands that coal is our most abundant domestic energy resource, and he has stated that the deployment of clean coal technologies is one of his greatest personal interests.

The issues that the Department of Energy must address in the coming years are complex and diverse. I support the nomination of Adm. James D. Watkins to be Secretary of Energy, and I believe that he will bring the skills, the enthusiasm, and the dedication needed to set and implement policies to address these issues.

I yield the floor.

Mr. DOLE. Mr. President, today the Senate is considering the nomination of one of the most important Cabinet positions in the Bush administration, the Secretary of Energy.

Three unique crises face the Department today—an alarming and potentially devastating level of imports of foreign oil, unprecedented levels of

ozone resulting from the emissions from fossil fuel burning and the attendant need to research new technologies, and the Nation's crippled nuclear weapons programs.

OIL IMPORTS

Mr. President, it has been nearly a decade since Americans have focused attention on the source of our oil. Like so many problems we experience, it appears that calamity must be thrust upon us before actions are taken to keep our economy strong and our Nation secure.

But we are once again being lured into a false sense that gasoline comes from pumps in an endless supply. This past January the United States imported over 50 percent of the crude oil which we consumed. Those who were here in 1979, during the Iranian oil crisis, might recall that Iran supplied only 5 percent of our supply at the time and that our overall imports were much less.

Yet today, with imports up and domestic production declining, there seems to be little concern.

Without a doubt, a national energy policy, one based on increasing domestic production, must be formulated and implemented. Our domestic oil and gas industry has been devastated, along with support industries and communities in the oil patch.

Today's policy of blindly relying on others to supply our energy is dangerous, unacceptable and damaging to the U.S. economy.

EMISSIONS, NEW TECHNOLOGY

A second problem facing the Department is twofold. An increase in the level of ozone produced from the burning of fossil fuels, combined with the need to develop new methods of using these fuels more cleanly and technology for switching to alternate sources of energy.

Just yesterday, an official with the Environmental Protection Agency testified before a congressional committee that, in 1988, ozone levels—the chief culprit in the so-called greenhouse effect—were the worst in a decade. Advances in clean coal technology as well as in using such alternate sources such as ethanol, nuclear, nitrogen, solar, and geothermal must be made to continue fueling our country into the future, while protecting our environment.

NUCLEAR WEAPONS PROGRAMS

The issue before the Department of Energy which has received the most attention is probably the Nuclear Weapons Program. Here, three areas must be addressed on an urgent basis. First, at this time the United States has no operating facility which produces radioactive tritium gas which is a vital component in the vast majority of our nuclear arsenal.

Second, a comprehensive indexing and disposal method must be under-

taken to clean up the waste from DOE facilities around the country. And third, research on new warheads must continue to keep pace with the rapidly changing makeup of this ultimate deterrent.

ADMIRAL WATKINS

Fortunately, Mr. President, the nominee before us today has the ability to lead in all of these areas. Adm. James D. Watkins has a distinguished and decorated career in nuclear reactors and scientific research. Additionally, his service on several boards and commissions attest to his ability to quickly master the details of issues in which it might appear he has had little experience.

For example, little more than 1 year ago, Admiral Watkins was appointed Chairman of the Presidential Commission on the Human Immunodeficiency Virus [AIDS]. In just months, Admiral Watkins was able to direct the committee through the many divisive issues surrounding the subject and present a ground-breaking blueprint for action.

Admiral Watkins has served as Chief of Naval Operations, Chief of Naval Personnel, Director of Nuclear Power Distribution in the Office of the Chief of Naval Operations as well as engineering officer of the Navy's land-based nuclear reactor, as well as a host of other naval positions.

I can think of no one who will be more able to tackle the diverse and important issues before the Department of Energy, and look forward to working with him in his new mission.

Mr. SPECTER. Mr. President, I congratulate President Bush on his selection of Adm. James D. Watkins as Secretary of the U.S. Department of Energy, and I am pleased to express my support and vote for his confirmation today.

Admiral Watkins is well qualified for the position of Secretary of Energy, as reflected in his impressive list of accomplishments and experiences. On June 30, 1982, Admiral Watkins was selected by President Reagan to become the 22d Chief of Naval Operations. He retired from that post on June 30, 1986, and entered civilian life after 41 years of service to the U.S. Navy.

While serving in the Navy, Admiral Watkins held a number of assignments at sea aboard nuclear powered vessels, in addition to shore assignments associated with the selection, education, and training of personnel. He also supervised the maintenance and operations of naval nuclear propulsion plants.

After receiving his master's degree in mechanical engineering, Admiral Watkins was selected by Adm. Hyman G. Rickover to enter the Navy's nuclear-powered submarine program in 1959. In the early 1960's, Admiral Watkins went on to serve as an assistant to

Admiral Rickover for 3½ years at his headquarters in Washington, DC. He then served as Director of the Office of Chief Naval Personnel's Nuclear Power Distribution Branch. Subsequently, as Chief of Naval Personnel and Vice Chief of Naval Operations, Admiral Watkins continued his leadership role as principle adviser to the Chief of Naval Operations and Secretary of the Navy on safe and efficient operations of the Navy's nuclear-powered fleet.

In addition, Admiral Watkins' military decorations include several Distinguished Service and Legion of Merit medals, the Bronze Star with combat "V" and other medals, and campaign and service ribbons.

In October 1987, Admiral Watkins was appointed Chairman of the Presidential Commission on the Human Immunodeficiency Virus [AIDS] Epidemic, and submitted the Commission's final report to President Reagan on June 24, 1988. For his work on this Commission, he was awarded an honorary doctor of humane letters from the New York Medical College in June 1988.

Certainly his wide range of experiences will serve him well as Secretary of Energy.

I am confident that Admiral Watkins will be an effective leader on the many important issues addressed by the Department of Energy.

I support the nomination of Admiral Watkins to this post. If confirmed by the Senate, as I am sure he will be, I have every confidence that he will perform the new duties with exceptional skill, as he has other positions in the past.

Mr. SIMPSON. Mr. President, I am very proud to speak on behalf of Mr. Watkins this afternoon as we vote on his confirmation as Secretary of Energy. He is an extremely fine man. One that I have visited with, and shared many goals and ideas with, and I greatly look forward to working with him.

Jim Watkins brings great capabilities in management and leadership. He demonstrated these skills magnificently as he worked for our country on the Presidential Commission on AIDS. And now he comes to us to be at the helm of an agency that will make so many crucial decisions and policies for our Nation in the years to come. He must help us develop an energy policy that cleans up the problems of the past, and yet continues to give incentives for America to build a future that is energy independent, healthy, and safe.

Jim Watkins brings great experience and expertise to the arena of nuclear energy. He has pledged to focus on the very serious problems with regard to cleanup of commercial and nuclear waste and putting our nuclear defense

operations back on track. That is very important for our country and I am confident that he is the best man for the job.

But our Nation's energy mix is multifaceted and I have great confidence that he will address the other energy sources and programs with equal vigor and capability. A strong fossil fuel program is so important to this country—one that is environmentally sound, but also dedicated to building a strong future for our domestic coal and oil and gas industries. Energy research, and an effective clean coal program are also very important programs that Jim Watkins will be providing the leadership for.

I am most pleased to be able to lend my support to President Bush's fine nominee for Secretary of Energy and I look forward to working with him. Welcome to Washington—to Jim and his gracious wife, Shiela.

Mr. DOMENICI. Mr. President, I rise today to express my strong support for the confirmation of the nomination of Adm. James D. Watkins to be Secretary of Energy.

I have met with Admiral Watkins and, as a member of the Committee on Energy and Natural Resources, I participated in his confirmation hearing. Let me say to my colleagues in the Senate that Admiral Watkins is impressively qualified to be Secretary of Energy.

I was impressed because, for the first time in my tenure in the U.S. Senate, a nominee for Secretary of Energy came before the committee and demonstrated an understanding of the extreme importance of the Department's national laboratories to the National Government.

Mr. President, the Department of Energy is not just a Department of Energy. In reality it is a hodge-podge for many functions. In addition to overseeing the Federal Government's basic energy policy, it also has the responsibility for our Nation's national laboratories, basic science research and development, the nuclear weapons program, and radioactive waste disposal.

It is interesting to note that, as Secretary of Energy, Admiral Watkins will be the manager of more scientists, engineers, physicists, and mathematicians than anyone else in the free world. Many of these individuals work for our National Laboratories, such as Los Alamos and Sandia National Laboratories in New Mexico.

These individuals and the National Laboratories are tremendous national resources. We must find a way to use these resources that are at our disposal.

As we move away from an era of nuclear confrontation, our National Laboratories will be changing. While we must maintain the essential national defense mission of the National Laboratories, we must diversify the mis-

sion of the National Laboratories so that we fully utilize the tremendous energy and knowledge of our scientists.

I am encouraged by Admiral Watkins' willingness to examine what the Department can do to utilize fully the resources of the National Laboratories. For example, the National Laboratories can share the wealth of their knowledge with the private sector through technology transfer. They can help us promote excellence in science, engineering, and mathematics among America's youth. They can also explore ways to protect our environment from the greenhouse effect. The National Laboratories also can assist in advancing the level of medical knowledge in our Nation through the mapping of the human genome.

On this last point, let me say that I believe research on the human genome will be of great importance to our Nation's health and economy. The National Laboratories are very important to this research and the Department should take a leadership role in this area along with the National Institutes of Health.

Admiral Watkins will bring a new perspective, new energy, and a new management style to the Department of Energy. The most significant asset that Admiral Watkins brings to the job, however, is credibility.

The Department of Energy especially needs credibility in its Nuclear Waste Program.

The citizens of the United States, and in particular those in my State of New Mexico, are extremely concerned when you mention anything to do with nuclear waste.

Therefore, I was heartened when Admiral Watkins testified that nuclear waste "will be handled, processed, and finally stored in compliance with those safety standards to which the Federal, State and responsible local authorities are full partners."

This is a welcome statement that was well-received in my State of New Mexico, which is the site of the Waste Isolation Pilot plant—WIPP—the Nation's proposed first geologic repository for nuclear waste.

So far, the Department of Energy has not done a good job managing the WIPP project and has yet to fulfill all of its commitments to the State of New Mexico regarding the project. Thus, the Department has a very poor image in New Mexico.

Therefore, I am opposed to opening WIPP until the Department of Energy provides certain protections to safeguard the health and safety of New Mexicans. In addition, I will oppose making WIPP the permanent disposal site for transuranic waste unless and until the Department demonstrates that WIPP complies with EPA regulations governing such sites.

I cannot support the administrative withdrawal of the WIPP site proposed by the Department because it does not provide adequate protection for the health and safety of the citizens of New Mexico.

Rather, in order to adequately protect the health and safety of New Mexicans, I believe Congress must pass a land withdrawal bill that:

First, prevents any radioactive waste being stored at WIPP until EPA standards for the temporary storage of radioactive waste have been complied with;

Second, mandates that the Department comply with EPA standards for the permanent disposal of radioactive wastes—and that EPA certify such compliance—prior to the permanent disposal of any radioactive waste at WIPP;

Third, directs the Department to remove all radioactive waste from WIPP if it fails to comply with the EPA permanent disposal standards;

Fourth, limits the amount of waste for health and safety experiments at WIPP to only as much waste as independent scientists agree is needed for the experiments;

Fifth, prohibits high-level waste experiments at WIPP;

Sixth, provides an independent oversight role for the New Mexico Environmental Evaluation Group;

Seventh, mandates that waste bound for WIPP must be transported in canisters approved by the Nuclear Regulatory Commission and that the State of New Mexico and local governments shall be notified in advance of any waste shipments;

Eighth, provides compensation to the State of New Mexico to offset the expense of having WIPP located in the State; and

Ninth, authorizes funding for the completion of the WIPP road system, including the Santa Fe, Roswell, Carlsbad, and Artesia by-passes and the Los Alamos-Santa Fe alternate route.

I was very pleased at Admiral Watkins' statement that he agreed on the need for a land withdrawal bill and his willingness to listen to the scientific community's comments on what that bill should contain. This is a solid step toward establishing the Department's credibility on WIPP.

Mr. President, Adm. James Watkins has served our Nation with great distinction, first in the Navy and subsequently as Chairman of the Presidential Commission on the Human Immunodeficiency Virus Epidemic—commonly called the AIDS Commission. He met those challenges well. He is now faced with the new, and possible greater, challenge of managing the Department of Energy. I believe that he is well-suited for the task. I encourage all of my colleagues to lend him their enthusiastic support.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the nomination of Adm. James D. Watkins to be Secretary of Energy.

Much has been said of Admiral Watkins' credentials for the critical assignment of launching a cleanup of the Department of Energy's nuclear weapons plants and surely this is the Department's immediate priority at this time. Not only does he have the technical experience for this assignment but Admiral Watkins has managerial skills of a high order, which he demonstrated in numerous Navy billets, including his tour as Chief of Naval Operations. His most notable demonstration of these skills, however, was as Chairman of the Presidential Commission on AIDS, which issued its report last year.

For my part, I am especially gratified by his testimony to the Energy and Natural Resources Committee last week at his confirmation hearing that he intends to be an advocate for solar energy and energy efficiency research and will work for improved technology transfer from the Department's national laboratories to the private sector. In his testimony the admiral stressed that the reduction of the Nation's dependency on foreign oil will be a primary focus of his work at the Department, quite aside from his attention to the plant cleanup issue. He made it very clear that he takes energy conservation most seriously indeed. I am confident he will do a commendable job in this extremely difficult Cabinet post and for this reason I will be voting for confirmation of his nomination and urge my colleagues to do likewise.

Mr. JOHNSTON. Mr. President, I am wondering if there are other Senators on our side of the aisle who wish to be heard? If not, Mr. President, I yield back the remainder of my time.

Mr. MCCLURE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Adm. James D. Watkins, of California, to be Secretary of the Department of Energy?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 17 Ex.]

YEAS—99

Adams	Biden	Boschwitz
Armstrong	Bingaman	Bradley
Baucus	Bond	Breaux
Bentsen	Boren	Bryan

Bumpers	Harkin	Mitchell
Burdick	Hatch	Moynihan
Burns	Hatfield	Murkowski
Byrd	Heflin	Nickles
Chafee	Helms	Nunn
Coats	Hollings	Packwood
Cochran	Humphrey	Pell
Cohen	Inouye	Pressler
Conrad	Jeffords	Pryor
Cranston	Johnston	Reid
D'Amato	Kassebaum	Riegle
Danforth	Kasten	Robb
Daschle	Kennedy	Rockefeller
DeConcini	Kerry	Roth
Dixon	Kohl	Rudman
Dodd	Lautenberg	Sanford
Dole	Leahy	Sarbanes
Domenici	Levin	Sasser
Durenberger	Lieberman	Shelby
Exon	Lott	Simon
Ford	Lugar	Simpson
Fowler	Mack	Specter
Garn	Matsunaga	Stevens
Glenn	McCain	Symms
Gore	McClure	Thurmond
Gorton	McConnell	Wallop
Graham	Metzenbaum	Warner
Gramm		Wilson
Grassley		Wirth

NOT VOTING—1

Mikulski

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the forgoing nominations are laid on the table, and the President is notified of the confirmations of these nominations.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the distinguished Senator from New Hampshire be permitted to address the Senate for a period not to exceed 10 minutes on a subject of a tribute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. I thank my friend, the distinguished majority leader.

THE DEATH OF FORMER NEW HAMPSHIRE SENATOR NORRIS H. COTTON

Mr. RUDMAN. Mr. President, I rise today to pay tribute to and mourn the passage one of the greatest and most beloved statesman in the history of the State of New Hampshire:

A man who devoted almost his entire adult life to public service, including two decades in the U.S. Senate and four terms in the House of Representatives;

A man whose career of public service stretched from the silent film era to the Moon landings.

He served under seven Presidents, was a pillar of the Senate and secured the respect and admiration of his colleagues and his constituents. But he always referred to himself as "just a country lawyer."

My friends, flags across New Hampshire snap in the wind at half-staff today in honor of the memory of Norris Cotton. For 20 years Norris Cotton held the Senate seat I now

hold—and acted with a degree of integrity, civility, humor, and old-fashioned Yankee common sense that, I believe, will not be repeated.

Laconic, upright, fiercely independent and appropriately suspicious of ideas that did not take root in our rocky New Hampshire soil, he embodied the substance and character of the State and people he served for so many years.

Born on a farm in Warren, NH, at the start of this century, Norris Cotton in his later years would reminisce about the time the first automobile rumbled into town, or when he strained to hear a voice over the first scratchy rural phone line strung to his parents' farmhouse.

He worked and saved to pay for his education.

And in 1923, at the age of 22, he was elected to the New Hampshire Legislature at a time, he later recalled, when "any fool could go to the legislature * * * and did."

The next year he was elected president of the New Hampshire Republican State Convention and was then brought to Washington to serve as a clerk to Senator George Moses.

Observing the conduct of the Senate by day, he studied law at night and then went back to New Hampshire—to work as a county attorney and district court judge.

He returned to the New Hampshire House in 1943 and was elected its speaker.

In 1946 he was elected to the House of Representatives, where he would serve the residents of New Hampshire's Second District for four terms.

In 1954 he came to the Senate—elected to fill the unexpired term of the late Senator Charles Toby. He was reelected in 1956, 1962, and 1968.

He loved the Senate—one time leaving his hospital bed to cast a vote. Describing himself as "a stand pat, conservative, hide-bound, moss-back Republican," Norris Cotton devoted his time and energy to the issues of health and transportation.

His proudest achievement was the establishment of the cancer research and treatment center in Hanover, NH, that now bears his name.

When he retired from the Senate in 1974, in part to care for his ailing wife, he was the third-ranking Republican and eighth, overall, in seniority in this body.

What can I say about a man held in such high regard, who possessed such good humor and deep wisdom?

His wit was sharp and tart. His first vote in the Senate was to censure Joseph McCarthy. His second was on defending Formosa. And the third was on Senate salaries. Later he would say,

I was beginning to think that serving in the Senate was like working in a steel mill—and it would be prudent to spit on anything

you were about to sit down on—it might be hot.

His independence was undeniable. A loyal Republican, he nevertheless opposed increased military spending when he was convinced the war in Vietnam could not be won. And when he was criticized for not voting with the State's senior Senator, Styles Bridges, Cotton replied, "When two Senators vote the same way all the time, one of them ain't thinking."

His character was unique. The Robert Frost Award he received in 1972 recognized his "tradition of individuality, hard work, and devotion to the country north of Boston."

The White Mountains of New Hampshire are home to a natural rock formation that forms "The old Man of the Mountains,"—the symbol of our State. And in describing that symbol, Daniel Webster once said, "Up in the Mountains of New Hampshire, God Almighty has hung out a sign to show that there, He makes men."

If there was ever a public man who personified that spirit, that landscape—it was Senator Norris Cotton.

In New Hampshire Norris Cotton was, quite simply, a giant political figure of the modern era.

Tomorrow, in Lebanon, NH, we will gather to say goodbye to this great Granite Stater, and he will be honored by an old friend who he came to Congress with in the 1940's, who will deliver the eulogy tomorrow, former President Richard Nixon.

I yield the floor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Senator from New York be permitted to address the Senate, not to exceed 10 minutes, in connection with a tribute.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEA AGENT KILLED IN NEW YORK

Mr. D'AMATO. Mr. President, I thank the distinguished majority leader for giving me this opportunity to make a rather sad report to the Senate of the United States, and in a way, to our people.

Mr. President, it is a bit ironic that almost 1 year ago to the day, a savage event took place in the city of New York at 2 a.m. There was a young police officer who sat in a patrol car for the purpose of protecting a witness, a witness who was giving testimony against drug dealers. That police officer, Edward Byrne, was assassinated—three bullets to the head—as he sat behind the steering wheel of his vehicle.

I think the savagery of that event brought about a cry from the people of our State and throughout this country that we had not been doing nearly enough in our battle against

the scourge of drug addiction, certainly not when organized crime and drug dealers had no hesitancy in ordering the assassination of police officers to demonstrate their strength, that of the drug dealers and their cartel. That was February 26, 1988. Last evening at 10 p.m., February 28, 1989, another officer of the law sacrificed his life in the battle against this scourge of the drug traffickers. Everett Hatcher was murdered in New York City, Staten Island. He was the father of two children, ages 9 and 3.

Everett Hatcher was a drug-enforcement agent, a special agent. He joined DEA in the early 1970's. He was known as a special person. He was a man of great dedication, fearless in his job in pursuit of those who brought about this scourge, not only in our city of New York but also throughout many of the urban centers of America.

DEA Agent Hatcher was working on a joint DEA-FBI investigation with the organized crime drug-enforcement task force. The suspect, Gus Farace, was a convicted murderer who was released 10 months ago from prison. Farace has organized crime connections. Agent Hatcher was going to meet him to discuss a cocaine deal.

There was a surveillance team with Hatcher, who was also wired, but around 9 p.m. the people who had Hatcher under surveillance lost him. Agent Hatcher became the first law-enforcement officer killed in the line of duty of New York City this year. In 1988, seven law-enforcement officers were killed on duty in the city.

Mr. President, I rise to pay tribute to the dedicated law-enforcement officers who place their lives on the line, and particularly those agents and those officers who undertake this special detail and obligation, in attempting to curb this epidemic, and who in many cases are undertaking a battle against superior, organized forces, better funded than they are, and our law-enforcement officers are outgunned in many cases.

Today, in sadness, I say that we have a special obligation to rededicate ourselves and to be more purposeful, not only in law enforcement but also in education and prevention, in bringing the totality of our resources of this Nation against that dreaded scourge.

As Edward Byrne a year ago served as a catalyst to help pass and galvanize support for the comprehensive drug bill, I would hope that this body, our Nation, and our leaders would come together as a tribute to Everett Hatcher and to his family and to his wife, and to say we will not allow his death to go in vain, that we will fund the drug bill and find the resources, even during these times of budget restraint, to make it a meaningful endeavor on our part. I hope we will do this so that his life will have real purpose and meaning in this great sacri-

fice that he has made on behalf of our children and our grandchildren, and the strength and vitality of our Nation, which we see being dissipated in every way, every walk of life, and particularly, with our young, particularly with the ferocity of the devastation which the crack epidemic has brought. It is a sad thing, Mr. President, when we stop to think, and we do not like to acknowledge it, that once a crack addict, for all times a crack addict. According to uncontroverted medical testimony, there have been no cases where a crack addict has been rehabilitated, none. What a tragedy. What do we do? What have our efforts been to win this war, which is ravaging America and society?

Mr. President, our prayers and our hearts are with the Hatcher family; but, more important, I would hope that we would see to it that we do something tangible so that we can one day come to the floor and say we are winning this war, and it is not just a war of words, so that Everett Hatcher's devotion to duty, his sacrifice, will not have been in vain.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MITCHELL). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as in morning business, I ask unanimous consent to make a statement for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMANITARIAN AID FOR THE CONTRAS

Mr. GRAHAM. Mr. President, we will have an opportunity within the next several weeks to make a choice which should help to bring us together as a Senate and as an American people. That decision will be the decision to approve additional humanitarian aid to the Nicaraguan resistance which is one which will affect the progress of democratization in this hemisphere, as well as help engender a spirit of bipartisanship within the United States.

I urge the administration to move quickly to send a request for humanitarian aid to the Nicaraguan resistance to the Congress so that we can act before the current aid expires at the end of this month.

I also urge the administration to place this aid request into a larger policy context. Such a context must clearly link our continuing humanitar-

ian aid for the Contras to the actual fulfillment by the Sandinistas of their many broken promises to democratize Nicaraguan society.

This broader context is vitally important that we work closely with other Latin American countries in an attempt to keep collective attention focused on democratization in Nicaragua.

This larger context of democratization and human rights is one that the Central American nations themselves defined when they agreed to the Esquipulas II accords. Esquipulas II is an unequivocal statement of their belief that strengthening democracy is the surest path to peace and development in the region.

Two weeks ago, the five Central American Presidents agreed in a meeting at Tesoro Beach in El Salvador to spell out the linkage between the reintegration of the resistance forces—the Contras—into Nicaraguan political life and the democratization that the Sandinistas must initiate to make that possible.

Nicaraguan President Daniel Ortega made specific commitments to undertake the process of democratization within the framework of Esquipulas II.

He agreed to several key points: moving up Presidential elections from November 1991 to February of next year; electoral and media law reform; and the release of political prisoners.

I can assure the Sandinista government officials that we will be watching them closely to ensure that they abide by their pledges.

After all, these are basically restatements of pledges they made—and have not kept—when they signed the Esquipulas accords in 1987. Specifically, we will be watching to see if they allow the media—all the media, including Radio Catolica, which remains closed—to operate freely.

We will be watching to see if they allow the establishment of independent television stations.

We will be watching to see if they continue to administer a Somoza-era law that allows them to sentence political opponents to 6 months in jail—an obviously useful tool to use to suppress the political opposition.

We will be watching to see if they allow independent trade unions to organize, to strike, and to operate freely.

These are some of objective measures we will use to determine whether or not the Sandinistas live up to their obligations. The ball, Mr. President, is in their court.

As part of the El Salvador agreement, the governments consented to develop a plan over the next 90 days that will tie reintegration of resistance forces into Nicaraguan society with the new commitments by the Sandinistas to democratize.

Esquipulas II and the Tesoro Beach Declaration address democratization and regional security and should serve as the operational framework for a peace. They have the authority of the Central American nations who created them as their support.

Neither agreement, however, addresses the question of continued Soviet support for the Sandinista regime. The Soviet Union gave \$2.5 billion in military aid to the Sandinistas between 1979 and 1988. Last year alone, the Sandinistas received \$515 million in Soviet military support.

I encourage the administration to make clear to the Soviets in the strongest possible terms that this remains an outstanding and grave concern of the United States. This continuing military support calls into serious question the Soviets' professed sincerity in solving regional conflicts.

There is another more severe weakness in both Esquipulas II and the Tesoro Beach Declaration, however—one which we can help remedy by our decision on humanitarian aid.

The weakness is the absence of a system of verification and compelling incentives to comply with democratization. Those incentives, which could take the form of sanctions or other enforcements, are a powerful weapon of persuasion we should not be naive enough to discount.

The existence of the Contras has sent a clear message to the Sandinista leadership from the beginning that the end result of their people's revolution must not be the descent from a hated dictatorship into an even more repressive totalitarian state.

If the Contras are forced to disarm and disband before the Sandinistas have demonstrated a willingness to welcome them into the political dialog, then they have lost their country.

Central America and this hemisphere will have lost the military lariat which has helped to rein in the Sandinista's headlong flight toward absolute tyranny.

We would be irresponsible in this Senate were we to reduce the issue to one of partisan concerns. Oliver Wendell Holmes once said: "The great thing in this world is not so much where we stand, as in what direction we are moving."

Not one of my distinguished colleagues would deny that we all desire to move in the direction of a democratic peace for Nicaragua.

To ensure that takes place, I think we must hold the Sandinistas to a timetable for democratization.

The viability of the Contra forces has helped pressure the Sandinista regime to be open to the Central American peace process, and it may well be the most potent incentive for compliance which we have. To abandon that incentive now is to exhibit a disregard for the chance to see peace

and basic human freedoms return to Nicaragua.

By approving, on a bipartisan basis a humanitarian aid package for the Contras, we send a clear message of support for Nicaraguan democratization. By so doing, we make it very clear that we will not allow the Contras to be dismantled until the Sandinistas follow through on their commitments.

That is our commitment—to encourage the movement toward democracy in our hemisphere so that it may reach its full realization.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3 p.m.

There being no objection, the Senate, at 2:41 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

RECESS UNTIL 3:30 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:30 p.m. this afternoon.

There being no objection, the Senate, at 3 o'clock p.m., recessed until 3:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the benefit of the many Senators who have called inquiring as to the Senate's schedule for the remainder of today and this week, let me explain what is occurring.

Last week I announced my intention to proceed to the Tower nomination on today and reaffirmed my intention to do so this morning. During the course of the day, the distinguished Republican leader asked that I postpone seeking to do so until he had an opportunity to consult with his colleagues and indicated that he would shortly thereafter provide me with his recommendations on how best to proceed.

We are now waiting for the results of that consultation which has been occurring for the past approximately 2 hours. I am advised that the Republi-

can leader has nearly completed those consultations and will soon be in a position to indicate to me what his desires are with respect to the Tower nomination. It remains my intention, as it has been throughout this recent several weeks, to proceed to the nomination as promptly as possible, and I look forward to that in consultation with the distinguished Republican leader.

Since I understand that there are some Senators who have requested the opportunity to speak as if in morning business, it is now my intention to merely place a quorum call, awaiting those Senators and awaiting the distinguished Republican leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLY COW! A HALL OF FAMER!

Mr. DIXON. Mr. President, I want to take this opportunity to pay tribute to a man near and dear to the hearts of sports fans in my own State of Illinois and throughout the United States.

On January 27 of this year, my good friend Harry Caray, the voice of the Chicago Cubs, was named the 1989 recipient of the Ford C. Frick Award, the highest honor baseball can bestow on a member of the broadcast profession.

Harry will take his rightful place among such broadcasting legends as Mel Allen, Jack Brickhouse, Jack Buck, Bob Elson, Ernie Harwell, Bob Prince, and Vin Scully on July 23, when he is inducted into the broadcasters' wing of the National Baseball Hall of Fame in Cooperstown, NY.

Mr. President, Harry Caray has been a warm personal friend of mine for many years now. I have many wonderful recollections of that beautiful and continuing friendship.

I recall sitting next to him in the broadcast booth while he sings "Take Me Out to the Ball Game" and looking out at the response of the fans and enjoying the excitement. Why, Mr. President, Harry and I have even sipped a beer together to toast our friends and this great Nation of ours.

For the past 44 seasons, fans of the St. Louis Cardinals, Oakland Athletics, Chicago White Sox, and Chicago Cubs have been treated to Harry's colorful style. His descriptions of thousands of games over the years have instilled in many of us a love and enthusiasm for the game of baseball, and for Harry himself.

Never was this affection more apparent than last February, when Harry suffered a stroke. His dogged determination to recover, combined with the outpouring of sentiment to Harry and his wife, Dutchie, from his legions of fans throughout the world, had him back in Wrigley Field's broadcast booth, believe it or not, by the end of May.

Harry has always been a Hall-of-Famer in his way of treating people. Countless times I have seen him stand for hours, signing autographs and bantering with fans young and old, until all were accommodated. Through our many discussions over the years, I have come to know Harry Caray as a sincere, caring man with deep feelings for those less fortunate in our society and with creative ideas for helping them. This is a side of Harry which more people should know about.

Mr. President, I would like to add my voice to those of millions of other baseball fans throughout America in saluting Harry Caray, the newest broadcaster in Baseball's Hall of Fame and, I am proud to say, Mr. President, my warm and dear friend.

Mr. President, having made those genuine remarks out of love and affection for a dear friend, I now look at this Chamber and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN TOWER TO BE SECRETARY OF DEFENSE

Mr. BOREN. Mr. President, like other Members of the Senate, over the last several days I have been carefully weighing my own personal decision in regard to the nomination of John Tower to be Secretary of Defense. I have taken the time to read the FBI reports and both the majority and minority committee reports from the Armed Services Committee. I have carefully weighed the qualifications of this nominee. I have discussed the matter with colleagues on both sides of the aisle. I have discussed the matter with the President of the United States and have given due consideration to his views on this matter.

This is not an easy decision for me. I have had the privilege of serving with Senator Tower in the U.S. Senate. I knew Senator Tower through family friendship before I came to this body.

I think that he is a man who possesses a great amount of knowledge and expertise which would be of benefit to this country. I think there are many ways in which he could be of service to this country. I know he has a true dedication to his country and a true desire to perform public service.

Mr. President, I believe that over the next year or two, important and fundamental decisions will have to be made at the Department of Defense: decisions about the defense budget, decisions about weapons systems, decisions about more effectively using every dollar of taxpayers' money in the defense budget. These decisions that will have to be made by the next Secretary of Defense are very difficult decisions.

Even if the Secretary of Defense making them were completely without controversy himself, it would be very difficult to make those decisions and to carry those decisions into effect. Therefore, I believe that for the good of this country, we need to have a Secretary of Defense for the United States, a person for whom there is broad support in the country, a person about whom there is not deep division of opinion or strong debate about his qualifications to hold office. It is for that reason I have decided I cannot in conscience at this time feel it is in the interest of the United States that I support the nomination of Senator Tower. Therefore, if this nomination comes to a vote on the floor, I will be casting my vote in the negative on that question of confirmation.

It is my sincere hope that that will not happen. As I have indicated, Mr. President, I believe that Senator Tower is a man who sincerely cares about this country. He has devoted a good portion of his life to national security issues and to trying to build a strong defense for this country. I hope that he will decide upon reflection that it is in the best interest of the country, in the best interest of the President, who is the President of all of us, and in his own best interest to withdraw prior to any vote on this nomination. I think, if Senator Tower were to take that action, it would affirm the belief that many of us have that he truly does want to put his country first. I think it would be an action that would be understood by both those who support him and those who find it impossible in conscience to support this nomination. If Senator Tower should decide to follow that course, I would be the first to say I believe there are many other positions of Government in which the talents and considerable expertise of Senator Tower could be used. I would be the first to support his nomination to some other position where he could be of service to his President and to his country.

Mr. President, having said that, let me also say that as the hours pass in the debate over this nomination, as the merits of this proposal are fully determined on the Senate floor, it is my hope also that we will not lose our sense of proportion. Whatever happens about this nomination I do not believe will determine the course of future relations between the President and the Congress. I think those who say it will be a crippling blow to this President if this nominee is not confirmed are wrong.

I know my own option of this President. I think he is one of the finest people to occupy that office for a long time. It has been many years since I have felt so good about the future course of this country as I feel because of the spirit and leadership which George Bush has been providing since he took the oath of office as the President of the United States. He is as much my President as anyone who serves on the other side of the aisle. No one in this body, Democrat or Republican, hopes that he succeeds more than I. In nearly all of the appointments that he has made and all of the first decisions he has made, I think he has followed the right course of action. My vote against this nominee should not be interpreted by anyone as a signal that I will not, without regard to politics or party, be prepared to support this President time and time again in the future as he tries to pull us altogether, to work together as Americans without regard to party for what is good for our country.

So I do not think anyone should interpret an action on this nomination as any kind of decision about whether or not this Congress should cooperate with the President of the United States whenever possible. After visiting with the President yesterday, I am also convinced that he shares that same opinion; that after this matter is put behind us, we will find ways to all work together in a better spirit than has existed between the Congress and the President for many, many years. I hope nothing will be said on the floor on either side of the aisle during the next several hours, perhaps days, of debate on this nomination that will impair the ability of any of us in this Chamber to work together for the national good or impair the ability of the President of the United States and Congress and our congressional leaders to work together.

A lot has been said in recent days in terms of whether or not political motivations are behind the decisions of Members of the Senate as to how they cast their vote on this nomination. Having been the target of some criticism on past occasions—for example, when I was one of two members of my party to vote for the confirmation of Mr. Bork to be a Justice of the Supreme Court—I think my own record

indicates I do not put party ahead of what I think is best and right for the country.

I would say also that I know very well, perhaps as well as I know any Member of this body or any person in public life, as to the senior Senator from the State of Georgia, the chairman of the Armed Services Committee, there is no Member of the Senate, there is no person that I have known in public life who has more consistently put what he thinks is best for his country ahead of his own personal political ambition or ahead of any partisan political consideration.

So, Mr. President, I have great respect for the President of the United States, and I have great respect for my colleagues on the other side of the aisle who feel strongly that they should support this nomination. I honor the President for standing by his appointee. In politics, all of us know people who have been able to rise through the political ladders by being able to manipulate human beings, by not stopping and pausing to think of people and their human concerns. The President of the United States is not such a man. He is known as a man who has friends because he is a decent, good, caring human being. People have said to me, "I am puzzled. Why would the President of the United States put so much on the line for this nominee when such controversy has enveloped this matter?"

I believe, Mr. President, that President Bush has put so much on the line because he is a decent, caring human being who feels he should loyally stand with those he has asked to serve him. I salute him for his loyalty and for his friendships toward others. I do not think there is a basis for criticizing the President of the United States on that score, just as I salute the patriotism and integrity of the senior Senator from Georgia. American politics would be better served if we had more men in public life with the integrity of either George Bush or SAM NUNN of Georgia. Our country would be better if we had more men and women like them in public life. And so I appeal to my colleagues. There are honest differences of opinion, honest differences of judgment about what is best for this country. Let us not have a divisive debate. Let us debate on the merits as best we can. Let us reach a decision we think is best for the country. Let us not allow any divisions of opinion on this matter to keep us from fulfilling the pledge that we all made at the beginning of this session to work together as Americans, to keep us from following the dictate of the President when he said in his State of the Union Address that the American people did not send us here to bicker or to play politics. They sent us here to work together to solve the Nation's problems.

There is but one person who can remove the name of Senator Tower from consideration. The President of the United States, as I indicated, has commendable loyalty and strength of purpose. He will never do it. I can only say that I urge Senator Tower to take that action himself. It would be good for our country, good for our President. It would enable us to begin working together in a bipartisan spirit so essential to this country. Then I frankly hope that the President of the United States would use the talents and the expertise of Senator Tower either in some other public position of trust or at the very least his advice and counsel as a citizen who has much to offer and desires to contribute much to the good of his country.

Mr. President, it has been a difficult decision. It is a decision that I have reached and that I have communicated to Senator Tower, to the President, as well as to others. It is not a clear-cut decision. It is a matter about which reasonable people can differ. In my opinion it is a decision that should be reached without impugning the motives of anyone, and certainly I reach it without impugning either the motives or character of the man who has been nominated by the President to be Secretary of Defense because he is a fine Member of the U.S. Senate. He has a good record of public service. He is a man who cares about his country. But for the good of the country I hope that he will withdraw. Let the President name a Secretary of Defense who can have the unified support without question, without deep debate of a broad spectrum of the American people because that Secretary of Defense is going to have tough decisions to make, decisions that are hard enough without having to also fight a battle to defend himself personally in his own position at the same time.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

Mr. SIMPSON addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. SIMPSON. Mr. President, I came to the floor to speak briefly on the issue of acid rain, but I have listened with great intent to my friend from Oklahoma, a man for whom I have the greatest respect and admiration, who came to this body when I did; we were sworn in together on this floor January 15, 1979. I agree with almost everything he said except his decision. What he says is very real. Much of it is the kind of thing that I would expect from him as a compassionate and very caring person. I guess before I would speak these 4 or 5 minutes on acid rain, I might note again the problems in society are what we see in this Tower situation. The issue now comes to the honest recommenda-

tion that Senator BOREN has made that he should withdraw, and yet there is something that gnaws in the bosom of every human being: how do I put my reputation back together? Who does that for me? How do I do that when I pick up the paper and read about the ballerina dancing on the piano and sloshing your way through life. When you go look at the FBI report and you find that the guy that put up the allegation about the ballerina on the piano and all the rest of the antics there, is some guy they will not even publish his remarks in the newspapers of America, some nut who has four aliases, a doctor, professor, what have you. How many times do we have to have people do that to us in the public vendue and then say, "Well, I am sorry, but there is no way you can produce your rebuttal because that is classified." If I had my way they ought to take some of that report and splash it out and hand it over to the Washington Post. Let the people of America see "anonymous witness No. T-4 and T-1." I do not know who T-1 and T-4 were but they were very serious about preserving their anonymity. That I don't doubt. Because when they went back and interviewed them, they found out they had a "different view" of it than the one that appeared in the newspaper. So how do you pick up the pieces? The Senator from Oklahoma voted for Robert Bork. Robert Bork knew he was going to lose, but he came right in here with his case because he wanted his grandchildren to read something about him other than the fact he was a racist, a sexist, a sterilizer of his fellow human beings—and all that junk that destroyed Robert Bork. So when you get to this point I do not know where else you go in this particular society of ours. But I think "win, lose, or draw," old John Tower ought to come right here and there will be some interesting people who will then get up and tell the story—the real story with facts and figures and attributable facts—and we will deal with it on facts instead of innuendo. He has already admitted some remarkable things. Humans do not like to do that. He said he did do some of those things in 1970, he did drink a little scotch, that those are things that happened but they were not so now. So it is fascinating to me, I guess it is ever so, as to just who are these appointed scorekeepers in society now who keep track of everybody. I am learning to handle them well. I just say to them when they ask me a question, "What did you do when you were 20 or 25 or 30?" because I think we are going to have to get into the issue of asking the examiners the same questions that are asked of the examinees because it has reached a point of absurdity. And we know our colleagues on both sides of the aisle who have been destroyed by it. And so

that is where we are left. There is no other forum for a person to go to if they walk away from the fray for then the other stuff is believed and they have not had their opportunity to put their lives back together so that their children recognize the person who raised them and their grandchildren have an opportunity to see that there was a pretty noble guy who served as a U.S. Senator and put in a lot of years of public life and was really not some slosher who just kind of went through life without producing anything. So that is where we are. Who puts people back together? I guess you do that for yourself. Nobody else is going to do it for you around this place of Washington. Whoever said, "If you want a friend in Washington, buy a dog," was right.

Mr. BOREN. Will the Senator yield for just a moment?

Mr. SIMPSON. Indeed.

Mr. BOREN. I want to tell him I have bought a dog, and I think the advice, I believe, President Truman gave was well taken. I also do not know whether it is the time for us to begin confessing all of the matters of our youth. Since we now have C-SPAN and my mother does have it at home, I thought I would defer that for awhile.

Mr. SIMPSON. So does mine.

Mr. BOREN. I know my good friend, who has been listening to my statement, understands that I do not impugn the integrity of Senator Tower, nor do I. I did state for the record that I believed he was a very able Member of the Senate. He has considerable expertise. I think he has a desire to serve this country. If Senator Tower were to take himself out of consideration at this point, I do not believe the American people would take that as an act of admission or defeat. I think they would take it as a very graceful and courageous act and a statement on his part that given the circumstances and divisions that now exist he might not be able to perform and make those tough decisions and be able to get the support for tough discussions that he would need.

I would suggest—and I would be the first one to support the President of the United States if such a gesture were made by Senator Tower—as I say, it would have to come from him because George Bush is a person who would never request it, nor should he, and that is one of the reasons I have such great respect for the President of the United States. He is a fine human being in addition to being a fine leader. But I do believe and I would hope that if that happened, there might be other capacities in which Senator Tower could serve in public life and perhaps even in a way in which the Senate of the United States would have the opportunity to say that he was well qualified to serve in

those positions and perhaps make it clear by another action that there is a great deal of respect and affection for him on the part of all of us who have struggled with this decision and come down on the other side. I know my good friend and colleague understands that and understands what I am saying. I simply wanted to say it to him again. I understand what he is saying. We all from time to time have been the target of unfair criticism. Anyone who steps into public life is from time to time. None of us enjoys seeing anyone else subjected to difficult personal situations, and I certainly do not.

Mr. SIMPSON. Mr. President, I understand that fully, and never was any reference made by the Senator from Oklahoma about Senator Tower's integrity, and I understood that fully, indeed, before I made my remarks, and they have just been reemphasized, but certainly unnecessarily so, because I never heard any of that in his comments.

My comments were simply to the effect, "What choices do you have when you have been creamed in America and in the press, and it is your name and your reputation on the line and then suddenly you drop out?" I do not know. I am a fighter. The Senator from Oklahoma is a scrapper, and the Senators who are in the Chamber are fighters. When they are telling lies about you, you scrap, especially about yourself and your reputation. I do not know what other forum he has than this.

This old cowboy would never walk away from that: Innuendo and goofy witnesses interviewed by the FBI, who change their story when they are in their little cubicles with the FBI, different from what they did publicly. I would never allow that to happen to me.

I do not know what others may think, but that would not happen to me.

Now, I want to say, too, that I agree totally with our majority leader and with the Senator from Oklahoma, that if anyone thinks this is going to set a tone of destruction of getting things done in this country, that is just goofy too. There is no need to spend time on that, except that it keeps people excited, I guess, and we would not want to deny them that. I think the majority leader's words were that it would be "a gross overexaggeration" to believe this would be destructive of future relationships with President Bush, or the majority leader, or all of us here, or the minority leader, BOB DOLE. That just is not going to happen.

It is curious to me why the people who ask the question would want to see it happen. What does that do for our country? Sometimes they would

want to think about that. Sometimes that high and laudable goal is not always attainable. We have so much to do with such great, ghastly problems of the budget and the deficit and all those things, that there will be plenty for us to do; and about once every 4 weeks somebody will ask if we are not going to destroy the country if we have another fight on the floor. We will have to say, "I guess not." It has gone on some 210 years, and we will slug along and see if we can continue to do it.

I came here to speak 4 minutes on acid rain, and I am still going to do that.

CLEAN AIR LEGISLATION

Mr. SIMPSON. Mr. President, there was a bill introduced yesterday by which we are moving again on clean air legislation. I have been on the Environment and Public Works Committee for 10 years. It is the most extraordinary thing to deal with in that committee.

Former Senator Gary Hart was the chairman of the clean air coalition, and when he presented his work product, years ago which was a splendid work product, somehow the zealots on both sides went to work on that, and we never did a thing. It is ironic that a lot of things that were in there are still the things that will lead us toward a good result on this issue. In the past, all we have done is suffer from legislative gridlock on this issue of acid rain, a total polarization.

I have learned one thing in the Environment and Public Works Committee. Whatever the bill looks like, I just vote for it and get it out to the floor. That saves you from wading through 10,000 pieces of mail per month, from hysterical letters, and I always write people back and I say, "The bill that passes the Environment and Public Works Committee will never pass on the floor of the U.S. Senate, so why do you write?"

Now I finally think we have an opportunity to do it. Polarization is a product of the various interest groups in their extremity, taking those hard positions, showing an unwillingness to compromise. Senator BYRD has had a serious and intensive interest in this issue, obviously, representing West Virginia. I have an intense interest in it, representing Wyoming, which is now the largest coal-producing State in the United States. I know that is a shock, but it is true, some 163 million tons of low-sulfur coal. There are terrible problems of the high-sulfur coal States, but then there is the dagger in the breast of all of us in the West, which was put on the books in 1977 and it was heavily opposed by my friend Senator Muskie then, who said that this is just plain wrong.

It should never be in this measure. It was the issued percentage reduction. It simply said that if you had low-sulfur coal, you had to reduce it the same percentage of sulfur content as you would with the high-sulfur coal. How absurd. All it was, was to set up a geographical struggle, and that struggle has been going on now for 12 years and will become evident ever more in the market as the years go on.

So we can do it again this year as we did before, pass the same old stuff out of committee and see it always end up there at this desk in a rotting form. We can, in the committee, choose to listen to all sides and regions of the country and craft a bill that the Senate will actually approve for a change—a debate that will be participated in by the Senators who are most affected those from the States of Ohio, Illinois, Missouri, Indiana. They have never been in the debate yet, because the bill comes out of a committee which is heavily tilted toward States that are least economically affected. We have some very heavy lifting to do on that one, and maybe we can get a little critical mass going for a change. The Bush administration is developing a clean air bill themselves. I think that is going to be an interesting legislative vehicle.

The one yesterday is well worth pursuing—parts of it. The committee and the Senate as a whole ought to try to support those measures, putting together something sensible, and take a good look at what the President unveils in the Clean Air Act legislation. I think we need to cooperate with the administration.

The President has said this is a critical national issue for him. That is great. It is for me, too. I have been trying to work on an acid rain bill for many years. Senator GEORGE MITCHELL and I were awfully close last year on a bill with 10 million tons reduction, recognizing the 40-years phaseout provision, recognizing that subsidies would be unacceptable, recognizing various phase-in procedures, recognizing that you could not gimmick the system with high sulfur versus low sulfur, recognizing that you could not have mandatory scrubbing. Now we are ready to go. I think that if we can get the various interest groups going, and stop trying to provide gimmickry in the marketplace with regard to coal and other fuel products. I do not think we can any longer afford the carving-out of special provisions in the law used to save a few jobs. We have seen how that only polarizes the debate, and it is important that we do not fall into that trap again this year.

I would be glad to visit with the United Mine Workers and hear what they are saying and try to work with them. It is ironic that the United Mine Workers will come up with a gimmick for high-sulfur coal, which affects the

low-sulfur coal market and, yet, they go to the low-sulfur coal States and ask people to join their union. While they are out there cutting their bicycle tire, they are asking them to join the union in Wyoming, while they are here in Washington assuring that they have set up a permanent contest which is detrimental to those people that they are trying to get into their membership. I do not understand that, but at least it ought to be explained to the membership out there.

So here we come with a new bill. I really hope that we can craft one. I see that the players are here. I think we want to have something that has the least amount of cost to the citizens of the United States, and provide this 10 million ton reduction. We owe that to the electric rate payers and to the taxpayers. Maybe this year it will be a breakthrough for clean air if we all compromise a little. I am ready. It is time to ignore all of the environmental zealots who would shut down America and light up a wood stove and camp in the woods, and also to ignore the private-sector zealots who would say, "We do not need to do anything about this, because we need to study it some more." Just throw them both out of your office and get on with the issue of doing something that is sensible, common sense, and not intent of causing a geographical scrap.

I think we have a rare window of opportunity for cooperation and decisive action. Maybe we have learned from our past mistakes. Maybe we can seize the moment and advance the clean air bill that is based on good, constructive common sense and not on destructive dogma.

We lost one fine player, former Senator William Proxmire, a splendid player, but the others are here, and they are on both sides of the aisle: Senator BYRD, Senator MITCHELL, Senator CHAFFEE, Senator BURDICK, Senator RUDMAN, and many, many more are ready to participate on the committee and off the committee, and maybe this year we can get something done, and I think we can, in the good spirit that will prevail.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAU). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following nominations on the Executive Calendar. Calendar items 13 through 35, and Calendar items 37 through 40; all

nominations on the Secretary's desk with the exception of the Army; that they be confirmed en bloc, that motion to reconsider en bloc be laid upon the table, and that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Hearing none, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Ronald W. Yates, xxx-xx-xxxx FR, U.S. Air Force.

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. James G. Andrus, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Malcolm B. Armstrong, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. John L. Borling, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Stephen B. Croker, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Gerald A. Daniel, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Lawrence E. Day, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Thomas E. Eggers, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Howell M. Estes III, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Frederick A. Fiedler, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Richard E. Hawley, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. John E. Jackson, Jr., xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Arlen D. Jameson, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Jeffery D. Kahla, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Donald L. Kaufman, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Vernon J. Kondra, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Paul E. Landers, Jr., xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. John D. Logeman, Jr., xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Bruce J. Lotzbire, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Billy G. McCoy, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Burton R. Moore, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. John M. Nowak, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Gary W. O'Shaughnessy, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. David C. Reed, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Peter D. Robinson, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Richard M. Scofield, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. John D. Slinkard, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Joseph K. Stapleton, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Kenneth E. Staten, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. William A. Studer, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Robert F. Swarts, xxx-xx-xxxx FR, Regular Air Force.
 Brig. Gen. Sam W. Westbrook III, xxx-xx-x... FR, Regular Air Force.
 Brig. Gen. Frank E. Willis, xxx-xx-xxxx FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of Sections 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Donald F. Ferrell, xxx-xx-xxxx Air National Guard of the United States.
 Brig. Gen. Cecil W. Greene, xxx-xx-xxxx Air National Guard of the United States.
 Brig. Gen. John M. Hafen, xxx-xx-xxxx Air National Guard of the United States.
 Brig. Gen. James R. Mercer, xxx-xx-xxxx Air National Guard of the United States.
 Brig. Gen. Fred D. Womack, xxx-xx-xxxx Air National Guard of the United States.

To be brigadier general

Col. Gordon M. Campbell, xxx-xx-xxxx Air National Guard of the United States.
 Col. James W. Chapman, xxx-xx-xxxx Air National Guard of the United States.
 Col. Donald L. Coleman, xxx-xx-xxxx Air National Guard of the United States.
 Col. Joseph E. Copenhaver, xxx-xx-xxxx Air National Guard of the United States.
 Col. Stephen P. Cortright, xxx-xx-xxxx Air National Guard of the United States.
 Col. John F. Flanagan, Jr., xxx-xx-xxxx Air National Guard of the United States.
 Col. Richard W. Godfrey, xxx-xx-xxxx Air National Guard of the United States.
 Col. Hugh S. Harris, Jr., xxx-xx-xxxx Air National Guard of the United States.
 Col. Talmadge R. Howell, xxx-xx-xxxx Air National Guard of the United States.
 Col. James A. Melvin III, xxx-xx-xxxx Air National Guard of the United States.
 Col. Raymond E. Moorman, xxx-xx-xxxx Air National Guard of the United States.
 Col. Scott L. Philbrick, xxx-xx-xxxx Air National Guard of the United States.
 Col. Darrel D. Thomssen, xxx-xx-xxxx Air National Guard of the United States.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, title 10, United States Code:

To be major general

Brig. Gen. Richard A. Freytag, xxx-xx-xxxx FR, Air Force Reserve.
 Brig. Gen. Angelo J. Perciballi, xxx-xx-x... FR, Air Force Reserve.
 Brig. Gen. John D. Riddle, xxx-xx-xxxx FR, Air Force Reserve.
 Brig. Gen. Julio L. Torres, xxx-xx-xxxx FR, Air Force Reserve.
 Brig. Gen. Duane A. Young, xxx-xx-xxxx FR, Air Force Reserve.

To be brigadier general

Col. Lawrence B. Anderson, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Larrie C. Bates, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Joe L. Campbell, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Charles B. Cassion, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Robert T. Cetola, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Gerald R. Chancellor, xxx-xx-xxxx FR, Air Force Reserve.

Col. Wayne E. Delawter, xxx-xx-xxxx FR, Air Force Reserve.
 Col. William W. Didlake, Jr., xxx-xx-xxxx FR, Air Force Reserve.
 Col. George A. Hall, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Thomas L. Neubert, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Thomas E. Penick, Jr., xxx-xx-xxxx FR, Air Force Reserve.
 Col. Robert L. Tate, xxx-xx-xxxx FR, Air Force Reserve.
 Col. Vernon R. Tate, xxx-xx-xxxx FR, Air Force Reserve.
 Col. William F. Willoughby, xxx-xx-xxxx FR, Air Force Reserve.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provision of title 10, United States Code, section 1370:

To be general

Gen. William L. Kirk, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Michael J. Dugan, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jimmie V. Adams, xxx-xx-xxxx FR, U.S. Air Force.

ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Joseph T. Palastra, Jr., xxx-xx-xxxx U.S. Army.

The following-named officer for permanent promotion in the United States Army in accordance with article II, section 2, clause 2 of the Constitution of the United States:

To be brigadier general

Col. John Evans Hutton, xxx-xx-xxxx FR, Air Force Reserve.
 The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Andrew P. Chambers, xxx-xx-xxxx U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John J. Yoesock, xxx-xx-xxxx U.S. Army.

MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 624:

Bobby G. Butcher, Walter E. Boomer, Matthew P. Caulfield, Donald R. Gardner, John I. Hopkins, William M. Keys, Jeremiah W. Person, III, John A. Studts.

The following-named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 5912:

G. Richard Omrod.

The following-named officer for assignment as Deputy Chief of Staff for Manpower and Reserve Affairs, under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John I. Hudson, xxx-xx-xxxx / 9903, USMC.

NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Richard M. Dunleavy, xxx-xx-xxxx / 1320, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Diego E. Hernandez, xxx-xx-xxxx / 1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Jerry O. Tuttle, xxx-xx-xxxx / 1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Paul D. Butcher, xxx-xx-xxxx / U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Raymond P. Ilg, xxx-xx-xxxx / 1310, U.S. Navy.

The following-named rear admiral (lower half) in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

DENTAL CORPS (2200)

Milton Chipman Clegg.

The following-named rear admiral (lower half) in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Daniel B. Lestage.
Donald Floyd Hagen.

SUPPLY CORPS

Brady Marshall Cole.
Francis Leonard Filipiak.

The following-named rear admiral (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

DENTAL CORPS OFFICER

William Bernard Finagin.

The following-named captains in the Staff Corps of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Richard Ira Ridenour.

SUPPLY CORPS

Ray Rupchand Sareeram.
Peter Albert Bondi.
William Richard Morris.
James Patrick Davidson.

CIVIL ENGINEER CORPS

Jack Eugene Buffington.

DEPARTMENT OF STATE

Robert Michael Kimmitt, of Virginia, to be Under Secretary of State for Political Affairs.

Margaret DeBardeleben Tutwiler, of Alabama, to be an Assistant Secretary of State.
Janet Gardner Mullins, of Kentucky, to be an Assistant Secretary of State.

Robert B. Zoellick, of the District of Columbia, to be Counselor of the Department of State.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Eugene R. Andreotti, and ending Robert D. Wendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Normando R. Nepomuceno, and ending John S. Weldon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Ronald J. Bergman, and ending Terry D. Marshall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Virginia V. Renouet, and ending Donna C. Theriot, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Thomas R. Beckman, xxx-xx-xxxx, and ending Maj. Susan J. Augustus, xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Simeon D. Bateman III, xxx-xx-xxxx, and ending Maj. Nancy A. Saeger, xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning John S. Baxter, and ending Melinda L. Winterscheid, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Roger M. Ashley, and ending Ronald L. Mull, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Rawson G. Abernethy, and ending Thomas L. Ziemann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Patrick K. Adams, and ending Robert L. Whitaker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Air Force nominations beginning Maj. Timothy E. Breuhl, xxx-xx-xxxx, and ending Maj. Carol M. Thomas, xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1989.

Marine Corps nomination of Maj. Truman W. Crawford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Joel M. Christy, and ending Daniel H. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Robert A. Ballard, and ending Stephen C. Zidek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Marine Corps nominations beginning Charlton P. Adams, and ending Daniel H. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Benjamin T. Po, and ending Larry S. Garsha, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Daniel M. Del Sobral III, and ending Mark M. Adams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Gregg E. Bauer, and ending Thomas J. Papadimos, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning William J. Parker III, and ending Ward L. Witherpoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning John Brecka, and ending Frank Peiffer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Ralph Albanese, and ending Jonathan L. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Lawrence N. Abrams, and ending Michael E. Zwick, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Cal D. Astrin, and ending Rufus M. Thomas, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

Navy nominations beginning Scott Gregory Abel, and ending Glen Alan Zurlo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 3, 1989.

STATEMENT ON THE NOMINATION OF JOSEPH E. COPENHAVER TO BE BRIGADIER GENERAL

Mr. BYRD. Mr. President, I am pleased that the President has nominated Col. Joseph E. Copenhaver for the rank of brigadier general. Colonel Copenhaver is a native of Big Chimney, WV, and a graduate of the University of Charleston—formerly Morris Harvey College—in Charleston, WV.

Colonel Copenhaver has held a number of responsible positions in the West Virginia Air National Guard since he completed training in July 1956, including flight commander, operations officer, and squadron commander until 1976, at which time he was assigned as the air/group commander where he served until March 31, 1988. On April 1, 1988, he was assigned to his present position as commander of West Virginia's Air National Guard.

Colonel Copenhaver holds many honors, including the Meritorious Service Medal, the Air Force Commendation Medal, the Air Force Outstanding Unit Award, with one Bronze Oak Leaf Cluster, and the Combat Readiness Medal with five Oak Leaf Clusters. His State awards include the West Virginia Service Medal and the West Virginia Distinguished Unit Award with four Bronze Oak Leaf Clusters. Colonel Copenhaver holds the aeronautical rating of command pilot, and has accumulated over 6,000 military flying hours and 4,500 civilian flying hours.

Mr. President, it has been my experience that all members of the Reserve components of the armed services, and especially those reaching the high rank of brigadier general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Colonel Copenhaver's wife, Barbara Lou, and their son, Capt. Joseph E. Copenhaver, Jr., currently assigned to headquarters 23d Air Force, and their daughter, Dr. Lisa A. Martin, of Charleston, WV, are also to be commended.

Mr. President, I am pleased to cast my vote for the confirmation of Col. Joseph E. Copenhaver as brigadier general, and I urge my colleagues to support this nomination.

Mr. PELL. Mr. President, I wish to congratulate the majority leader for his prompt action in gaining Senate approval of these nominations for senior positions in the State Department. The Foreign Relations Committee received these nominations in mid-February, scheduled hearings last week immediately following the recess period, and approved them at a business meeting Tuesday, February 28. All of the nominations formally received by the committee have been

acted on, and with today's action all but one of them has been confirmed.

The Foreign Relations Committee remains eager and ready to give prompt consideration to additional nominations for State Department positions and ambassadorships as soon as they are received. However, as of today, March 1, 1989, the committee has in hand not a single formal nomination for any of its many prospective appointees. Today, the committee was notified of the administration's intention to nominate seven senior State Department officials, but I have been given no indication as to when the formal nominations, and the accompanying papers, will be received.

The names of many of these prospective nominees appeared weeks ago in press reports, and today's Washington Post gives the impression that they have now been formally nominated and that therefore the logjam is about to be broken. But that is not the case. As my colleagues know, the Senate and its committees cannot act until the President signs off on a nomination and transmits it to the Senate. That has not yet happened.

Of particular concern to me is that the notification I received today did not include Lawrence Eagleburger, who has long been reported to be the administration's choice to be Deputy Secretary of State. As of today, we don't even have an official statement of the administration's intention to nominate Mr. Eagleburger, much less the formal nomination. It is important to fill this important post, and I want to act as quickly as possible; so I hope that the formal nomination will be forthcoming soon.

I regret the delays, and I am sure Secretary Baker regrets that his team is not in place. I encourage the administration to move as quickly as possible to bring the nominations to the Foreign Relations Committee so that we can start the process of hearings and approval. Our consideration will be expeditious but complete. We will proceed as quickly as we can consistent with our constitutional responsibilities in the consideration process.

NOMINATION OF ROBERT M. KIMMITT

Mr. HELMS. Mr. President, this first group of four subcabinet nominations for the Department of State consist of men and women who have previously served in positions of responsibility with Secretary Baker.

The Committee on Foreign Relations conducted hearings on their nominations on February 21. There was no objection expressed at that time to any of the four nominees.

I observed at the hearings, and I reiterate now, that their tenures will be more enjoyable for them if they continue the same responsiveness to the members of the Foreign Relations Committee, and other Members of the Senate, that Secretary Baker has dem-

onstrated in his few weeks on the job. The Secretary is off to a fine start, and I look forward to working with him and his associates at the State Department.

Mr. President, in connection with Mr. Kimmitt's hearing, I filed some written questions. Because of the importance of these issues, I call to the attention of my colleagues the responses that I received, and I ask unanimous consent that these questions and responses appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS SUBMITTED BY SENATOR JESSE HELMS FOR ROBERT M. KIMMITT, NOMINEE TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

ANGOLA/NAMIBIA AGREEMENT

Question. Please provide the Committee with the transcripts of the discussions and the negotiating record of the Angola/Namibia Agreement. Specifically, this should include the same types of notes and background information as provided to the Senate for the INF Treaty deliberations. All notes, transcripts of conversations and meetings, cables, decision memoranda, and other records involving the U.S., Angola, Cuba, South Africa, the Soviet Union, the United Nations, and other relevant parties should be provided. These should include information on the following specific meetings:

1. Brazzaville, April 5-6, 1987;
2. Luanda, July 14-15, 1987;
3. Luanda, September 8-9, 1987;
4. Luanda, January 28-29, 1988;
5. Luanda, March 9-11, 16-18, 1988;
6. Geneva, March 14-15, 1988;
7. Washington, March 21, 1988;
8. Washington, March 28-29, 1988;
9. London, April 29, 1988;
10. London, May 3-4, 1988;
11. Brazzaville, May 13, 1988;
12. Lisbon, May 18-19, 1988;
13. Moscow, May 29-2, 1988;
14. Cairo, June 23-25, 1988;
15. New York, July 11-13, 1988;
16. Sal, Cape Verde, July 22-23, 1988;
17. Geneva, July 31-August 1, 1988;
18. Geneva, August 2-5, 1988;
19. Brazzaville, August 24-26;
20. Brazzaville, September 7-8, 1988;
21. Brazzaville, September 26-29;
22. New York, October 6-9, 1988;
23. Geneva, November 10-15, 1988;
24. New York, November 22-24, 1988;
25. Brazzaville, December 1-4, 1988;
26. Brazzaville, December 12-13, 1988; and
27. New York, December 22, 1988.

Answer. The Department is collecting and reviewing the record of the negotiations, in which the U.S. role was that of mediator among the three signatory parties: the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa. The negotiations were conducted among the parties on a private and confidential basis, and the U.S., as mediator, would have to consult the signatory parties regarding release of the items in question. In the interim, the Department is prepared to provide a series of classified briefings on the negotiations. As part of the briefings, the Department would be prepared to respond to specific questions and concerns of members and staff.

Mr. HELMS. Mr. President, I would mention that I first made this request of Jim Baker during his confirmation hearing in mid-January. He said he saw no reason why the information could not be given—under the proper security arrangements and so forth.

The African Bureau at the Department of State, Mr. President, has had a reputation both for its secrecy and its poor relations with Congress. I expect, certainly I hope, that this will improve decidedly under the new administration.

Assistant Secretary of State Chester Crocker served as a so-called mediator in negotiations between the South Africans and the Communist governments of Angola and Cuba which culminated in agreements signed at the United Nations on December 22, 1988. He and other State Department personnel spent much time, and taxpayer's money, in flying to countless meetings between the various parties in what have been described as tedious and time-consuming negotiations.

A great deal of mystique has surrounded these negotiations in that the U.S. Congress has not been apprised of precisely what promises, or hints of promises, were made to any of the parties to the agreement. We're already seeing the first rumblings from the signatories that understandings are not being fulfilled.

Now, as usual, it comes time for the U.S. taxpayers to be given the bill—approximately \$150 million to support U.N. peacekeeping to enforce the agreement this year alone.

The Senate insisted last year, and properly so, that it be given, on a classified basis, access to the INF Treaty negotiating record. Then-Majority Leader BYRD and others insisted on this procedure, and it proved invaluable in evaluating the discussions of both parties to the treaty. In my judgment, that same access will need to be granted to the Senate this year with respect to the Angola/Namibia agreements which the United States was instrumental in forging and which we are suppose to help enforce. The Senate will need this information both in order to evaluate United States funding for the peacekeeping and verification operations in Angola and Namibia as well as to ascertain what, if any, United States commitments have been made to any of the parties.

Obviously, there are many of us who are concerned with the potential impact on Jonas Savimbi and his courageous UNITA freedom fighters. President Bush has already demonstrated his comment to Dr. Savimbi and his democratic forces.

Additionally, the United States has agreed to participate in the verification of the agreements apart from our financial contribution through the United Nations. We certainly need to have a clear understanding of what

was agreed to in order to ensure proper verification of its implementation.

I appreciate Mr. Kimmitt's initial response. However, it is imperative that the Senate have access to the records before the Senate is asked to consider the peacekeeping funding request.

Indeed, his answers to some of the other questions I posed underscore the need for the Senate to develop a comprehensive understanding of what these agreements encompass for U.S. foreign policy.

Mr. President, I ask unanimous consent that the reminder of the questions, and Mr. Kimmitt's responses, be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

13TH AND 15TH PARALLELS

Q: The December 17, 1988 report of the U.N. Secretary General makes reference to the deployment of international military teams close to the line of the "15th parallel as adjusted" and the "13th parallel as similarly adjusted." A footnote in this report defines these adjustments. The bilateral and tripartite agreements do not appear to make any geographic reference other than to the 13th and 15th parallels per se. What is the understanding about the lines below which the Cubans must withdraw? Are they "adjusted", as described by the Secretary-General?

A: The "adjustments" mentioned in the Secretary General's December 17 report on the regulations governing the verification team set up to monitor total Cuban troop withdrawals from Angola refer to decisions taken by South Africa and Cuba/Angola to meet military requirements of the Cuban withdrawal process. One adjustment enables the Cubans to utilize the Port of Namibe, which is just below the 15th parallel, for troop withdrawals between August 1 and November 1. Similarly, the complex of Benguela-Lobito, which is located just south of the 13th parallel, is important to Cuba's phased withdrawal of its troops from Angola. The "adjustments" worked out among military representatives of South Africa, Cuba and Angola allow the Cubans to use the ports for withdrawal of equipment and personnel during the timeframe allotted for the northward redeployment and withdrawal of Cuban troops from southern Angola. In the case of Namibe, this would permit the use of this port through the first seven months of the agreement; Benguela-Lobito would be available for the withdrawal of forces and materiel until the withdrawal is completed.

IMF/WORLD BANK

Q: At the time of the signing of the agreement—December 22, 1988—or any other time, did Secretary of State Shultz, or any other U.S. official, convey the message that the U.S. would no longer oppose the entry of Angola into either the World Bank or the IMF? Prior to December 22, 1988, what was the U.S. position with regard to Angola's entry into the IMF or the World Bank? After December 22, 1988, what was the Reagan Administration's position with regard to Angola's entry into the IMF or the World Bank?

A: On December 22, 1988, Secretary Shultz met with the delegation of the People's Republic of Angola to the signing cere-

mony for the Angola/Namibia accords. In that meeting he said he would recommend to his successor that the U.S. no longer oppose Angola's bid for IMF/World Bank membership on political grounds. He noted, however, that Angola would have to meet the full range of economic criteria for membership which he described as onerous. This position was consistent with our long-standing position that a shift in our policy towards Angola's IMF application was contingent on Angola's making a verifiable commitment to the total withdrawal of Cuban troops from Angolan soil. The achievement of this important policy objective led to Secretary Shultz's conditional statement to the Angolan delegation, and remained the policy of the Reagan Administration through January 20, 1989.

Q: What is the Bush Administration's position with regard to Angola's entry into the IMF or the World Bank?

A: In light of the December 22 accords, the Bush Administration will evaluate Angola's application to the IMF/World Bank in the context of evidence of Angolan compliance with the agreements following the April 1 date for the beginning of total Cuban withdrawal from Angola.

ACTA DI MINDELO/MINDELO MINUTES

Q: Please provide the Committee with a copy of the Acta di Mindelo, also known as the Mindelo Minutes. This agreement was allegedly signed—or initialled—5 years ago. Why was the Senate not notified of this agreement under the Case Act reporting requirement? What is the legal status of the Mindelo Minutes?

A: The so-called Mindelo Minute (which actually bears the heading "Act of Sao Vicente") was a written summary of an exchange of views between Angola and the U.S. in the Republic of Cape Verde in January 1984. The Minute recorded the position of each side at that stage of our efforts to broker the withdrawal of South African forces from Angolan soil for a fixed period of time in return for an Angolan Government commitment to use its influence on SWAPO to restrict its actions in Namibia. The Act of Sao Vicente also summarized the state of our negotiations with Angola regarding the total withdrawal of Cuban forces from Angola. Release of the text of the Act of Sao Vicente remains subject to the agreement of the Luanda authorities. The Act of Sao Vicente was not submitted to Congress pursuant to the Case Act because it was not an international agreement entered into by the United States. It does not create legal obligations for the U.S. Rather, it was an agreed summary of the views exchanged by the U.S. and Angolan representatives.

U.S. AID TO ANGOLA

Q: Please provide a copy of the report of the U.S. A.I.D. team which visited Angola in October, 1988. Who were the members of the team?

A: A copy of the final report of the U.S. Private Voluntary Agency/U.S. Government assessment team's visit to Angola is attached.

The team leader was Ronald P. Burkard of CARE. The other team members were: William Garvelink (A.I.D. Office of Foreign Disaster Assistance), Richard Hough (A.I.D. Office of Food for Peace), David B. Jackson (Africare), Hector Jalipa (World Vision), and Michael Mispelaar (CARE). More information on the team members is contained in Annex G (page G-1) of the report.

Q: Under what authority was such a trip conducted?

A: I am advised that A.I.D.'s Office of Foreign Disaster Assistance has the general authority to provide relief and humanitarian assistance worldwide, and that Section 491 of the Foreign Assistance Act provides specific authority.

Q: Specifically, how are such trips—to determine whether a U.S. aid program should be initiated—permitted when U.S. law prohibits aid to Angola? Indeed, this trip appears to be begun immediately after the passage of legislation—sections 512 and 550 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989—which explicitly prohibits direct or indirect aid to the government of Angola.

A: The PVO assessment team visit to Angola was funded by the Office of Foreign Disaster Assistance. The Department believes that the prohibitions on direct and indirect aid to Angola in sections 512 and 550 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as noted above, do not apply to disaster assistance funds. Also, it is the Department's view that, since the 1989 act does not provide funds for PL 480, the restrictions in Sec 512 and 550 do not apply to food assistance provided under PL 480.

Q: Is the Bush Administration still considering an aid program to Angola?

A: The Administration does not contemplate any direct or indirect development assistance to Angola as currently prohibited by legislation. A.I.D. has contributed modest amounts of humanitarian assistance through UNICEF, since 1981, in the form of PL 480 emergency supplemental food for mothers and children displaced by the war, and is considering OFDA emergency relief requested by U.S. PVOs. In addition, State/Refugee Programs has provided assistance to refugees through UNHCR and ICRC since 1980.

CUBANS IN AFRICA

Q: It appears that the Cubans are required to withdraw 50,000 troops from Angola. However, Jonas Savimbi's UNITA forces contend that the Cubans have more than 50,000—perhaps as many as 60,000-62,000. In any event, does the agreement require the removal of all Cuban military troops from Angola?—or only 50,000, if there are, in fact, more than 50,000?

A: The December 22, 1988, agreements call for the total removal of all Cuban troops from Angola. The presence of any Cuban troops in Angola beyond July 1, 1991, would violate the accords.

Q: Are the Cubans required to withdraw their Soviet-made MiGs from Angola? Will Cuban naval forces be required to be withdrawn from off the Angolan coast? Please furnish a list of all Cuban military equipment that is to be withdrawn under the agreement.

A: While the New York agreements do not specify what equipment the Cuban forces in Angola must withdraw, Cuba and Angola have assured South Africa and the UN that Cuban units will be withdrawn together with their equipment. The Department is prepared to brief the Committee and its staff on Cuban military equipment and naval forces.

Q: It has been reported to me that the Cubans have been searching around for other countries who would consider "hosting" the troops being withdrawn from Angola and specifically that they have talked to Ethiopia, Mozambique, Zimbabwe, Ghana and also Nicaragua. Have the

Cubans approached (1) Ethiopia, (2) Mozambique, (3) Zimbabwe, (4) Ghana, and/or (5) Nicaragua? Doesn't the agreement require that the Cuban forces be withdrawn "to Cuba"?

A: It is the clear understanding of the parties to the New York agreements that all Cuban forces in Angola will be withdrawn to Cuba. This understanding is based on the categorical statements of the Cuban Government. There have been reports that Cuba has approached a number of African countries, including some of those you mention, as to their willingness to "host" troops being withdrawn from Angola. None of these reports has been confirmed.

Q: Would an increase in Cuban forces in other African countries violate the recent agreement?

A: An increase in Cuban forces in other countries would not violate the letter of the New York agreements, but the U.S. would certainly view such a development as a serious violation of the spirit of the accords and as contrary to the categorical statements made by the Cuban Government.

DEMARCHES TO FRG ON LIBYAN CW PROGRAM

Q: Last week West German Minister Schaeuble reported on his government's information regarding West German firm participation in the construction of a poison gas facility at Rabta, Libya. The report outlines a number of warnings, notes, demarches, and other communications both formal and informal from the United States Government to West German officials. Some references in the report such as "friendly services" or "partner services" may also refer to communications from the United States. Please review the Schaeuble report and provide the Committee with copies of all such communications to the West German Government regarding West German firm participation in chemical weapons production in Libya.

A: The Department is working with other agencies to identify those communications with the FRG that raised this issue. In the interim, State Department officials, together with representatives of relevant intelligence agencies, are prepared to present a classified briefing on this topic.

DEMARCHES TO FRG ON IRAQI CW PROGRAM

Q: The March 30, 1984 issue of the New York Times, (Page 1) reports on demarches made to the West German government regarding West German firm participation in chemical weapons production in Iraq. Please provide for the committee copies of all communications with the West German government on this subject.

A: Information on FRG firms involved in building a chemical weapons plant in Iraq and the sale of chemicals and specialized equipment was passed to FRG officials as early as November 1983. The government prosecuted the Karl Kolb Company, the firm responsible for constructing the CW facility at Samarra, and took several actions to stop exports to the Iraqi CW program. Classified information passed to FRG officials in Washington and Bonn can be provided the committee in a special intelligence briefing.

CW: JAPANESE INVOLVEMENT AT RABTA

Q: News accounts suggest that at least two Japanese firms, Japan Steel Works and Toshiba, have made deliveries to Rabta. Has the Department made any representations to the Japanese government on this subject and if so, what was their reply?

A: Since August 1988, the Department has had a series of consultations with the Japa-

nese Government concerning the involvement of Japanese firms at a metal fabrication plant adjacent to the Libyan chemical weapons plant at Rabta.

Toshiba Corporation recently announced that Toshiba electrical switching equipment was provided to Japan Steel Works under sub-contract. Toshiba Corporation assumes the equipment was shipped and installed at the metal fabrication plant. The Department of State had no prior information concerning specific Toshiba involvement with the metal fabrication plant, but in its diplomatic representations to the Japanese Government, the Department had expressed concerns over the involvement of any firms with the Libyan chemical weapons program.

I am advised that consultations, which are ongoing, with the Japanese Government have been positive and constructive. The Government of Japan has informed the U.S. that as of July 1988 Japanese firms had ceased all involvement with the metal fabrication plant.

The Japanese Government recently has taken the following measures on its own initiative to strengthen export controls on precursor chemicals: revised Japan's export control order, adding four more chemicals (to make a total of 10) to Japan's control list; expanded destination controls on precursor chemicals to worldwide; and issued warnings and guidance to Japanese chemical companies concerning exports of chemicals on the warning list of the Australia Group, an organization in which Japan is an active member.

SWISS BANKS

Q: News accounts from Europe suggest that West German firms have used Swiss banks as intermediaries and financiers of their chemical weapons equipment sales. Have we made representations to the Swiss government on this subject, and if so, how have they responded?

A: While the Department has not made representations to the Swiss government on the specific subject of possible use by West German firms of Swiss banks as intermediaries and financiers of chemical weapons equipment sales, the Department has approached the Swiss government regarding the U.S. government's serious concern about chemical weapons proliferation. The Swiss government has been asked to undertake to ensure that Swiss firms and individuals are not providing assistance to the Libyan and other Middle Eastern CW programs.

AUSTRALIA GROUP

Q: What plans does the Administration have to regularize the chemical suppliers' group known as the Australia Group?

A: The Australia Group (members of the European Economic Community and Australia, Canada, Japan, New Zealand, Norway, Switzerland, and the United States) meets every six months at the Australian Embassy in Paris to consider the problem of Chemical Weapons (CW) proliferation.

Participating states have imposed export controls on certain chemical weapons precursors to deny them to probable users, particularly Iran and Iraq. Under the chairmanship of Australia, the group has been consulting informally since 1985 to improve the effectiveness of those controls and to find other ways to curb the illegal use of CW. The U.S. is looking into ways to enhance the effectiveness of the Australia Group, including formalizing the Group.

DEMARCHES TO ALLIED GOVERNMENTS

Q: Have we made diplomatic representations to allied governments regarding their firms' participation in chemical or biological warfare production in Iran, Syria or Egypt? If so, please provide details.

A: I am advised that the Department has made numerous diplomatic representations to several allied governments since the mid-1980s on their firms' assistance to chemical and biological programs in the Middle East. If the Committee so wishes, a classified briefing can be provided on such diplomatic demarches and other communications. Given the sensitive nature of the information, it would be appropriate for the briefing to be conducted by State Department officials and representatives of the relevant intelligence agencies.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employees Recognition Week".

MEASURES REFERRED

The following joint resolution was read the first and second times and referred as indicated:

H.J. Res. 22. Joint resolution to designate the week beginning March 6, 1989, as "Federal Employee Recognition Week"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-17. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Appropriations.

"RESOLUTION No. 1

"Whereas, because of underfunding, the Veterans Administration Central Office has found it necessary to limit health care to those veterans mandated by public law; and
 "Whereas, in Minnesota, at the Minneapolis and St. Cloud Veterans Administration Medical Centers, a means test has been established to determine eligibility for health care; and

"Whereas, some veterans who are inpatients requiring nonemergency inpatient care who have health insurance, Medicare, or substantial liquid assets, will be referred to the community not at the Veterans Administration expense; and

"Whereas, other veterans who are outpatients will receive an initial evaluation and medications for up to 14 days, but will not

be placed in an outpatient program and will not be scheduled for continued care; and

"Whereas, placements for nursing home care will now be limited to a maximum of 90 days when the need primarily results from nonservice-connected disabilities; and

"Whereas, providing over-the-counter drugs to patients, if the prescription is to be taken on an "as needed" basis, has been discontinued; and

"Whereas, the cutbacks in medical care provided by the Veterans Administration means it will no longer provide veterans with the medical care they need and deserve; and

"Whereas, it is irresponsible not to provide veterans with this medical care: Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota, That it urges the President and Congress of the United States to restore full funding to the Veterans Administration Medical Centers.

"Be it further resolved, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-18. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"HOUSE JOINT MEMORIAL No. 2

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

"Whereas, large scale rehabilitation, repair and capacity improvements are ongoing necessities of the national highway transportation system; and

"Whereas, the highway transportation system is the most critical component of the physical infrastructure of the United States of America; and

"Whereas, there is a growing and concentrated national consensus for a program to serve the country's highway transportation needs through the year 2020; and

"Whereas, high quality highways are critical to the ability of manufacturers to build and deliver products, and to the ability of states and communities to attract new industry and to sustain economic growth; and

"Whereas, the international-trade competitive positions of the nation and of the states are directly related to the quality of access to the Interstate Highway System and related also to the physical condition of interstate and primary highways; and

"Whereas, current national policy makes no provision for continuing the Federal-Aid Highway Program into the future; and

"Whereas, in all recent federal-aid highway acts, Congress has had to include provisions for extending the Highway Trust Fund and the taxes which fund it; Now, therefore, be it

"Resolved by the members of the first regular session of the Centennial Idaho Legislature, the house of representatives and the senate concurring therein, That we petition the United States Congress to make permanent the Highway Trust Fund and the user fees accruing to it, so that a reliable funding source is available for constructing, rehabilitating, and otherwise improving the high-

ways and bridges which are so essential to the economic vigor of Idaho, and of the nation; and be it further

"Resolved, That we petition the United States Congress to protect the Highway Trust Fund from predatory proposals to divert highway user revenues to programs entirely unrelated to the transportation purposes for which the Fund was established; and be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the cochairmen of the National Economic Commission, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-19. A resolution adopted by the legislature of Ulster County, New York favoring enactment of the Recyclable Materials Science and Technology Development Act; to the Committee on Environment and Public Works.

POM-20. A joint resolution adopted by the Legislature of the State of Idaho to the Committee on Finance.

HOUSE JOINT MEMORIAL No. 1

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Centennial Idaho Legislature, do hereby respectfully represent that:

"Whereas, the United States Congress is seeking some effective means of reducing the federal budget deficit in the immediate future; and

"Whereas, several proposals being considered for budget reduction purposes would increase the existing federal gasoline tax by various sizable increments; and

"Whereas, the U.S. Department of Energy has stated that "a motor fuel tax will create an economic loss which is of far greater magnitude than the possible benefits. . ."; and

"Whereas, a gasoline tax for deficit reduction would be a regressive tax affecting the poor to a greater extent than other income levels; and

"Whereas, states would receive no direct revenue benefits, while incurring substantial increases in their public assistance costs; and

"Whereas, residents of the south, midwest and west pay more fuel taxes because they must travel greater distances by personal vehicles than residents of other regions and therefore would bear a disproportions burden of deficit reduction; and

"Whereas, since there continues to exist a great need to rehabilitate and reconstruct the nation's transportation infrastructure, motor fuel taxes should continue to be dedicated to transportation purposes; and

"Whereas, the tourism industry, one of the top three employers in eighty per cent of the states, would be adversely affected; and

"Whereas, the gross national product, consumer price index, and employment all would be severely and negatively affected; and

"Whereas, raising the gasoline excise tax for deficit reduction purposes would not only undermine the highway trust fund, but would also fail to get to the root of the

problem of federal spending exceeding federal income: Now, therefore, be it

"Resolved by the members of the first regular session of the Centennial Idaho Legislature, the house of representatives and the senate concurring therein, That we petition the United States Congress to oppose the use of the Federal gasoline tax to reduce the federal deficit; and be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the cochairmen of the National Economic Commission, and the congressional delegation representing the state of Idaho in the Congress of the United States."

POM-21. A resolution adopted by the Municipal Police Employees Retirement System, Baton Rouge, Louisiana, relative to medicare, social security, and related programs for state and local public employees; to the Committee on Finance.

POM-22. A resolution adopted by the House of Representatives of the State of Michigan; to the Committee on Governmental Affairs.

HOUSE RESOLUTION No. 766

"Whereas, The year 1990 marks the 150th anniversary of the 1840 "log cabin and hard cider" presidential campaign of William Henry Harrison, the ninth President of the United States. A man to the manor born and the son of the governor of Virginia, he gained fame for himself as victor over the Indians at the Battle of Tippecanoe; and

"Whereas, While Harrison's own high living on his 3,000-acre estate in Ohio resulted in great debt, the image of himself he projected as a Whig candidate in the 1840 election was of a simple man of the frontier who enjoyed nothing better than sipping cider in his log cabin. This man of myth received fifty-three percent of the popular vote in this contest against President Martin Van Buren. One month after taking office, he was dead, having caught cold during lengthy inaugural address in the freezing rain. He never made a single major decision as president, but did turn the attention of the nation to the sturdy, little houses that served so well the early settlers as the American frontier was pushed westward; and

"Whereas, Log cabins, humble dwellings fashioned out of the rich resources at hand, were the homes of many early settlers who found the construction of shelter the first priority in the new land. Log cabins are, of course, places of the past. Time, neglect, and often fire have removed their traces from the landscape, while a few still stand preserved and maintained by historical societies. Yet, log cabins are also places of the present and the future, a fact attested to by their new popularity as cottages and year-round homes. The log cabin is a true American artifact, one deserving of special national recognition: Now, therefore, be it

"Resolved by the House of Representatives, That this legislative body respectfully memorializes the Congress of the United States to issue a log cabin commemorative postage stamp in 1990 to commemorate the important place of these humble dwellings in our pioneer and political history; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Postmaster General, and to the members of the Michigan congressional delegation."

POM-23. A joint resolution adopted by the Third Olbil Era Kelulau; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION

"Whereas, the former Congressman Lujan is a native of Albuquerque, New Mexico; and

"Whereas, the former Congressman Lujan is a Republican of New Mexico and was elected to the House of Representatives of the United States Congress in 1970, having served nine terms in the Congress; and

"Whereas, the former Congressman Lujan served on the House Committee on Interior and Insular Affairs and served as a Ranking Minority Member of the House Committee on Science and Technology in the United States Congress; and

"Whereas, the former Congressman Lujan co-sponsored the United States Congress House Joint Resolution No. 597 with Congressman Ron de Lugo of the Virgin Islands, which resolution attempted to authorize entry into force of and increase the benefits in the Compact of Free Association between the United States and the Government of Palau; and

"Whereas, the former Congressman Lujan has retired from the United States Congress after serving nine full terms; and

"Whereas, the new President of the United States, the Honorable George Bush, has appointed the former United States Congressman Manuel Lujan, Jr. to the position of Secretary of the United States Department of the Interior; and

"Whereas, the people of the Republic of Palau are pleased with the appointment of the former Congressman, the Honorable Manuel Lujan, Jr., who has distinguished himself as a capable statesman and a strong advocate of Pacific interests, to this important position which has a direct impact upon the relationship between the United States and the Republic of Palau; now, therefore,

"Be it resolved by the Senate of the Third Olbil Era Kelulau, First Regular Session, January 1989, the House of Delegates concurring, that the people of Palau, represented in the Olbil Era Kelulau, do hereby congratulate and commend the former United States Congressman, the Honorable Manuel Lujan, Jr., on his appointment to the position of Secretary of the United States Department of the Interior; and

"Be it further resolved that certified copies of this joint resolution be personally delivered to the Honorable Manuel Lujan, Jr. upon his arrival in Palau; the President of the United States of America; the Vice President of the United States of America in his capacity as the President of the Senate; the Speaker of the House of Representatives of the United States Congress; the President of the Republic of Palau; the President of the Senate and the Speaker of the House of Delegates of the Third Olbil Era Kelulau."

POM-24. A petition from the Secretary of the State of Arizona transmitting revised election figures for certain candidates; to the Committee on Rules and Administration.

POM-25. A concurrent resolution adopted by the Legislature of the State of South

Dakota; to the Committee on Rules and Administration:

SENATE CONCURRENT RESOLUTION No. 4

Whereas, the economy of the United States continues to be threatened by an increasing federal budget deficit attributable in large part to increases in federal spending; and

"Whereas, the federal budget deficit reached one hundred twenty-five billion dollars as of June 30, 1988; and

"Whereas, Congress continually fails to take corrective action to effectively reduce the federal budget deficit; and

"Whereas, the national average annual per capita income for 1987 was fifteen thousand four hundred eighty-one dollars; and

"Whereas, the recommendation of the Quadrennial Commission on Executive, Legislative and Judicial salaries calling for an approximate fifty percent increase in pay for United States congressmen has been approved by the President; and

"Whereas, the pay for congressmen under the salary raise proposal would increase from eighty-nine thousand five hundred dollars to one hundred thirty-five thousand dollars per year; and

"Whereas, Congress may take action on the recommendation on or before February 7, 1989, to reduce or eliminate the raise for members of Congress; and

"Whereas, the members of Congress should debate in public the merits and disadvantages of such a pay raise at this time: Now, therefore, be it

"Resolved, by the Senate of the Sixty-fourth Legislature of the state of South Dakota, the House of Representatives concurring therein, that the South Dakota state Legislature respectfully request that the United States House of Representatives and the United States Senate conduct meaningful debate and vote on the subject of a congressional salary increase and do so prior to the February 7th deadline; and

"Be it further resolved, that the Secretary of the Senate of the state of South Dakota forward a copy of this resolution to the members of Congress in key leadership positions."

POM-26. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Veterans' Affairs:

RESOLUTION No. 1

"Whereas, because of underfunding, the Veterans Administration Central Office has found it necessary to limit health care to those veterans mandated by public law; and

"Whereas, in Minnesota, at the Minneapolis and St. Cloud Veterans Administration Medical Centers, a means test has been established to determine eligibility for health care; and

"Whereas, some veterans who are inpatients requiring nonemergency inpatient care who have health insurance, Medicare, or substantial liquid assets, will be referred to the community not at the Veterans Administration expense; and

"Whereas, other veterans who are outpatient will receive an initial evaluation and medications for up to 14 days, but will not be placed in an outpatient program and will not be scheduled for continued care; and

"Whereas, placements for nursing home care will now be limited to a maximum of 90 days when the need primarily results from nonservice-connected disabilities; and

"Whereas, providing over-the-counter drugs to patients, if the prescription is to be

taken on an "as needed" basis, has been discontinued; and

"Whereas, the cutbacks in medical care provided by the Veterans Administration means it will no longer provide veterans with the medical care they need and deserve; and

"Whereas, it is irresponsible not to provide veterans with this medical care; Now, therefore, be it resolved by the Legislature of the State of Minnesota that it urges the President and Congress of the United States to restore full funding to the Veterans Administration Medical Centers.

"Be it further resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Adm. James D. Watkins, United States Navy, Retired, of California, to be Secretary of Energy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. SIMON, Mr. HUMPHREY, Mr. METZENBAUM, Mr. THURMOND, Mr. COCHRAN, Mr. LEVIN, Mr. SYMMS, Mr. COATS, and Mr. GORE):

S. 479. A bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 480. A bill to authorize the several States and District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

By Mr. CRANSTON:

S. 481. A bill to place a moratorium on the relocation of Navajo and Hopi Indians under Public Law 93-531, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 482. A bill for the relief of Abu-Ras Nehad and Fadia Salem; to the Committee on the Judiciary.

S. 483. A bill for the relief of Hreinn Pio Francisco Lindal; to the Committee on the Judiciary.

S. 484. A bill for the relief of Taras Eugene Bileski and Rina Bileski; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. DODD, Mr. HEINZ, Mr. KERRY, Mr. ROCKEFELLER, Mr. SASSER, Mr. SHELBY, and Mr. STEVENS):

S. 485. A bill to authorize a White House Conference on Homelessness; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 486. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith salinity control project, New Mexico and Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself and Mr. MATSUNAGA):

S. 487. A bill to include among those eligible for the prisoner-of-war medal certain individuals who were held captive in circumstances comparable to those under which persons have been held captive by enemy governments; to the Committee on Armed Services.

By Mr. FOWLER (for himself, Mr. BUMPERS, Mr. FORD, Mr. METZENBAUM, Mr. BINGAMAN, Mr. CONRAD, Mr. KERRY, and Mr. WIRTH):

S. 488. A bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. KASTEN, Mr. LEAHY, Mr. INOUE, Mr. SIMON, Mr. PELL, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GRASSLEY, Mr. EXON, and Mr. D'AMATO):

S. 489. A bill to transfer certain funds available for State legalization assistance grants to programs to assist refugees; to the Committee on Appropriations.

By Mr. LAUTENBERG:

S. 490. A bill to amend the Occupational Safety and Health Act of 1977 to increase the civil penalties imposed for certain violations of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON:

S.J. Res. 69. Joint resolution designating April 8, 1989, as "Chief Justice Earl Warren Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 73. Resolution relating to the continued availability of funds for State legalization impact assistance grants; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. Con. Res. 16. Concurrent resolution calling on the Government of Vietnam to expedite the release and emigration of all political prisoners; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. SIMON, Mr. HUMPHREY, Mr. METZENBAUM, Mr. THURMOND, Mr. COCHRAN, Mr. LEVIN, Mr. SYMMS, Mr. COATS, and Mr. GORE):

S. 479. A bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses, and for other purposes; to the Committee on Finance.

FAIRNESS FOR ADOPTING FAMILIES ACT

Mr. HATCH. Mr. President, I am introducing today the Fairness for Adopting Families Act, a bill that will greatly assist American families to adopt children. Senators THURMOND, SIMON, HUMPHREY, METZENBAUM, COCHRAN, LEVIN, SYMMS, COATS, and GORE are joining with me to introduce this legislation.

A tax deduction for adoption expenses is desperately needed, both for its substance as well as its message. As lawmakers, we must make sure our laws treat families formed through adoption the same as laws for families formed biologically. As lawmakers, we must also continue to express our support for the family unit. We all agree that strong families are the key to a strong America and our support for their formation must be the cornerstone of our message. For many prospective parents, the only way to form their family is through adoption.

To many seeking to adopt a child, the costs associated with such a procedure are simply prohibitive. Prospective parents are often required to pay not only court and attorney fees but also expenses for maternity home services, hospital and physician costs, and at times, prenatal care expenses for the natural mother. Data provided the National Center for Adoption show that the actual costs connected with legal adoptions can exceed \$15,000. Family wealth should not be the determinative factor in adopting a child. This bill recognizes the importance of the family unit through alleviating many of the cost barriers associated with adoption.

This proposed legislation has three major features. First, it would provide a tax deduction of up to \$5,000 for unreimbursed and legitimate adoption expenses. Second, it would exclude from an employee's gross income up to \$5,000 in payments made by an employer for adoption expenses. Third, it would treat any employer contribution to an adoption expense plan as a deductible business expense.

This bill provides that as long as an adoption is in accordance with State and local law, the tax deduction for unreimbursed adoption expenses would be available. Each legal adoption is socially useful and beneficial. Each adopting family deserves our support. This is true whether the child is a healthy infant, a child with special needs, or a child from another country.

This legislation does not provide, however, a deduction for expenses for adoptions administered through illegal practices, such as through a baby

broker. Many adopting parents in my own State of Utah and in other States have been defrauded by such schemes. The cost of an illegal adoption often exceeds \$25,000, most of which goes into the pockets of middlemen. Fees for such unconscionable arrangements should not and would not be deductible.

Two of this bill's provisions deal with the interest in adoption by many of America's employers. Corporations such as Dow Chemical, IBM, Digital Equipment, and Honeywell offer adoption benefits. This legislation will encourage more employers to establish such profamily plans.

The bill addresses two problems now associated with employer-provided adoption benefits. The first problem is that adoption payments made to employees are taxable to the employee as income. The bill excludes from an employee's income those payments. The second problem is that employers may not treat their adoption payments to employees as deductible business expenses. The bill solves this problem by treating employer contributions to an adoption expense reimbursement program as ordinary and necessary business expenses.

This legislation will also save our society money. The National Center for Adoption has shown savings in two ways. First, the bill would move thousands of children, who might otherwise have lingered in foster care, into loving homes. Second, the tax deduction encourages shifting medical costs to the adopting family and away from the more expensive AFDC and Medicaid systems.

I strongly encourage my colleagues to support this legislation. We are representatives of a society that professes a commitment to ensure the success of the family. The Tax Code should demonstrate that commitment by allowing for the deduction of adoption expenses. Congress manifested its agreement with this concept last fall when it included in the Technical and Miscellaneous Revenue Act of 1988 a sense of the Congress resolution that adoption expenses should be deductible. President Bush has also recognized the importance of the deduction by including it as a proposal in his budget message to Congress.

I urge my colleagues on the Finance Committee to take quick action on this bill. The \$5,000 limit on the deduction is a flexible figure and can be changed to meet budgetary constraints, as are other provisions in this bill. The most important resource America has is its families. We must do everything in our power to ensure their continued growth and success. A relatively small dollar investment in this bill will greatly benefit not only children and families but society as a whole.

I ask unanimous consent that the full text of the bill and summary of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount allowable as a deduction under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed \$5,000.

"(2) INCOME LIMITATION.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's income (determined without regard to this section and section 134) exceeds \$60,000, bears to

"(B) \$10,000.

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, or local program.

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption,

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—The term 'child' shall include any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 220. Adoption expenses.

"Sec. 221. Cross reference."

(b) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount excludable from gross income under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed the excess (of any) of \$5,000 over the amount allowable as a deduction under section 220 with respect to such adoption.

"(2) INCOME LIMITATION.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 220) exceeds \$60,000, bears to

"(B) \$10,000.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan of an employer—

"(1) under which the employer provides employees with adoption assistance, and

"(2) which meets—

"(A) the requirements of section 89(k), and

"(B) requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 220(c)."

(2) TECHNICAL AMENDMENT.—Paragraph (2) of section 89(i) of such Code (defining statutory employee benefit plan) is amended by adding at the end thereof the following new subparagraph:

"(D) An adoption assistance program (within the meaning of section 135(c))."

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by strik-

ing out the last item and inserting in lieu thereof the following:

"Sec. 135. Adoption assistance programs.

"Sec. 136. Cross reference to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

COMPONENTS OF ADOPTION TAX DEDUCTION BILL

Title: Fairness for Adopting Families Act.

1. Provides tax deduction for adoption expenses: allowance of a deduction for the costs of an adoption, in accordance with State law, including infant, special needs, or foreign child. The amount allowable is capped at \$5,000. Families earning up to \$60,000 could deduct 100 percent of expenses, with a gradual phaseout of the benefit from \$60,000 to \$70,000 annual income. Adoption expenses which are not tax deductible include relative adoptions and foreign travel not associated with requirements of a foreign adoption.

2. Excludes from employee's income adoption expenses paid by an employer up to \$5,000.

3. Treats employer contribution to adoption expense plan as an ordinary and necessary business expense.

4. Effective date: applies to expenses incurred or paid for adoptions which become final after December 31, 1988.

By Mr. COCHRAN:

S. 480. A bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales; to the Committee on Finance.

EQUITY IN INTERSTATE COMPETITION ACT OF 1989

● Mr. COCHRAN. Mr. President, today I am introducing legislation to correct an inequity which is eroding State tax bases and injuring local retailers. The Equity in Interstate Competition Act is identical to legislation I introduced in the 100th Congress to help State governments collect sales taxes on interstate mail order sales.

Congressional interest in this issue has grown as States have become increasingly concerned about their inability to collect sales taxes on out-of-State mail order purchases by their residents. During the 100th Congress, the House Subcommittee on Select Revenues reported a measure requiring large retailers to collect sales taxes on such transactions. Hearings were held in the Senate by the Finance Subcommittee on Taxation and Debt Management, and the chairman of the Small Business Committee introduced legislation to address this inequity.

In 1967, the Supreme Court held in the National Bellas Hess case that, without congressional guidance, a State could not require an out-of-State vendor to collect and remit the State sales or use tax on purchases made by customers in that State if the company did not have an actual physical presence in that State. Since that decision, however, the retail sales market

has changed significantly, with mail order companies enjoying a rapid growth in popularity. Direct marketers have increased annual earnings to more than \$150 billion through catalog sales and at-home shopping by means of cable television, telephones, and computers. The National Conference of State Legislatures reports that more than 14 percent of all retail sales are now made by out-of-State direct sellers. The National Association of Tax Administrators estimates that interstate transactions could eventually reach 25 percent of all retail sales.

My own State of Mississippi depends heavily on sales and use tax revenues to support education, health, welfare, corrections, and other operations of government. These taxes account for 62 percent of State tax collections and are derived from the sale of items which could be sold in interstate commerce. The Advisory Commission on Intergovernmental Relations estimates that Mississippi will lose approximately \$23.4 million in 1989 as a result of mail order sales that escape taxation.

It is important that Congress provide State governments with the opportunity to collect all revenues to which they are entitled. Many States and local authorities have had to raise taxes and curtail services in order to meet their obligations. The State of Mississippi, for instance, has raised its sales and use tax rate twice since 1983, to a current level of 6 percent. Income tax rates for individuals and corporations have been increased, and expenditures for many programs have been reduced.

States are justified in urging that unwarranted tax exemptions enjoyed by out-of-State vendors be removed. Increased mail order sales have diverted business from local companies which support their communities through services, property taxes, and charitable contributions. It is unfair to exempt mail order firms from sales taxes that are collectible when the same products are purchased from a local retailer.

My bill does not authorize a new tax, nor does it create burdens for the consumer. The legislation simply gives States the authority to require that out-of-State retailers collect sales taxes which are already legally due.

Under my bill, collection of the sales tax can only be required if the sale destination is in the State imposing the tax and the seller engages in regular or systematic soliciting of sales in that State. Small mail order firms will not be affected, since collection will be required only if the seller has gross sales of \$12.5 million nationwide or over \$500,000 in a particular State.

The bill will not require the collection of local sales taxes unless they are uniform throughout that State. Accounting for collection will be limited

to quarterly reporting, and the bill specifies that the seller will not have to account in any manner for receipts on the basis of geographic location within the State.

It is time for Congress to recognize this tax inequity and to act to give our States the authority to correct the problem. I urge Senators to join me in support of this legislation. ●

By Mr. CRANSTON:

S. 481. A bill to place a moratorium on the relocation of Navajo and Hopi Indians under Public Law 93-531, and for other purposes; to the Select Committee on Indian Affairs.

MORATORIUM ON RELOCATION OF NAVAJO AND HOPI INDIANS

Mr. CRANSTON. Mr. President, today I am pleased to reintroduce legislation to halt for at least 18 months the relocation, pursuant to Public Law 93-531, of Navajo and Hopi Indians from their ancestral homes in and around Big Mountain in the northern desert area of Arizona. Identical legislation is being introduced in the House by Congressman BATES. This issue involves important questions of religious freedom and Native American policy. The legislation I am introducing today is based on a measure I first introduced during the 99th Congress as S. 2545 and reintroduced as S. 2452 in the 100th Congress. Unfortunately, after having been referred to the Senate Select Committee on Indian Affairs in both the 99th and 100th Congresses, no action was taken on either bill.

Mr. President, the need for Congress to place a moratorium to halt further relocations is now as urgent as ever. Indeed, the problems faced by Hopi and Navajo as they confront the relocation mandated by Public Law 93-531 are increasing with time rather than decreasing.

PUBLIC LAW 93-531

Mr. President, Congress enacted Public Law 93-531, the Hopi and Navajo Land Settlement Act of 1974, in an attempt to resolve what appeared merely as a land dispute between two Indian tribes occupying adjacent reservations. Public Law 93-531 resulted in the partition of land, known as the Joint Use Area, which had been held jointly by the two tribes. The statute also mandated the relocation of Indians of each tribe then living on lands partitioned to the other, and established the Navajo and Hopi Indian Relocation Commission to carry out this mandate.

Mr. President, the competing interests involved in generating the Hopi and Navajo Settlement Act debate were not as clearcut as they may have first appeared. A land dispute between the Hopi and Navajo Tribal Councils regarding the proper bounds of their respective reservations as set forth in

the Executive order of 1882, was surely a motivating force in generating the debate. Yet, as many people have come to understand, this boundary dispute is one which has little meaning to many of the traditional Navajo and Hopi inhabiting the Joint Use Area, who have lived side by side, traded and intermarried for generations and who are the ones most affected by the relocation mandates. Furthermore, the unclear role played by those in favor of developing coal and other energy resources in the Joint Use Area remains a troubling aspect of the debate.

Mr. President, my proposal to establish an 18-month moratorium on the Federal Government's relocation efforts will give the Congress the opportunity to rethink the Hopi-Navajo land dispute controversy in the only way that is practical, and to correct it, as conscience and fairness require. Perhaps more importantly, it will give those most directly affected by this situation—for the first time—the opportunity to speak and negotiate for themselves.

HISTORICAL BACKGROUND

Mr. President, as I mentioned earlier, it is true that a long-standing conflict between the federally recognized Hopi and Navajo tribal councils is one aspect of this controversy. That over the centuries differences have arisen between Navajo and Hopi residing on adjacent lands in northeastern Arizona is also true.

Although minor differences exist in the various historical accounts of how the complex relationship between Hopi and Navajo residing in northern Arizona developed, the general history of this area can be outlined as follows.

Descended from the Anasazi ("the Ancient Ones") cliff dwellers of Mesa Verde and elsewhere, the Hopi have lived in what is now northeastern Arizona at least since 1000 A.D. Indeed, the Hopi have a longer authenticated history in North America than any other ethnic group.

Today the Hopi occupy the same self-governing, autonomous villages on three high mesas as were occupied by their ancestors centuries ago. Old Oraibi, on Third Mesa, established around 1100 A.D., is the oldest continuously occupied community in North America. Most Hopi villagers are primarily farmers who depend on their own agriculture for their survival. Living areas are generally limited to the mesa villages while Hopi farms are located below and surrounding the villages, within about a 5 to 10 mile radius, on communally held land. In addition to farming, grazing, and gathering, lower elevation outland areas are used for religious and cultural purposes.

The Navajo first arrived in the area sometime in the 15th century. The Navajo were herdsmen who required grazing lands for their animals. Their

pastoral lifestyle and their need for abundant grazing lands for their livestock brought them into occasional conflict with numerous Southwestern neighbors, including the Hopi. Often, however, Navajo were allied with Pueblo Indians against a common enemy, the Spanish, who showed up in the area in 1540, and continued to occupy the area until 1823, when Mexico took jurisdiction.

Mexican rule ended in 1848, when the United States acquired jurisdiction over the area through the Treaty of Hidalgo. Yet, like the Spanish adventurers before them, the arrival of American immigrants led to competition and friction. The entrance of the U.S. Government in the lives of the Southwestern Indian tribes soon followed.

The intensity of the tensions which developed between the United States and the Navajo Nation led to the infamous "search-and-destroy" campaigns of Kit Carson in 1863 and culminated in the forced relocation ("The Long Walk") of the Navajo to Fort Sumner, NM. Five years later, the Navajo were released from Fort Sumner and the U.S. Government approved for them a small land holding by Executive order.

Although the U.S. military campaign against the Navajo, their dire economic condition upon release from Fort Sumner, their subsequent westward expansion, and their growing population sometimes strained relations between Hopi and Navajo, they continued to engage in both social intercourse and commercial trade. Indeed, in the latter part of the 1860's, Hopi and Navajo traditional leaders met together in the Hopi village at Walpi, on First Mesa, and entered into a Treaty of Peace. Despite the passage of time, many Hopi and Navajo traditional leaders claim this peace pact, as well as older covenants of peace, reportedly dating back to the 15th century, have not been broken and continue to bind them to this day.

In 1882, President Chester withdrew certain lands from the public domain under Executive order, "for the use and occupancy of Moqui, [Hopi] and such other Indians as the Secretary of the Interior may see fit to settle therein."

The ambiguity of this language later became the basis of complex and lengthy litigation between the federally recognized Hopi and Navajo tribal councils, to determine the rights and interests granted to each tribe by the 1882 Executive order. The Hopi and Navajo Settlement Act of 1974, then, represented an attempt by Congress to enforce a final settlement of the competing land title claims of the Hopi and Navajo tribal councils, title claims with origins in a 19th century Executive order of President Arthur.

HUMAN COSTS OF PUBLIC LAW 93-531

Mr. President, I believe it is imperative that we not allow the "land title" aspects of the controversy to obscure the staggering human costs of implementing the relocations mandated by Public Law 93-531.

As we now know, early estimates of the number of individuals subject to relocation were not accurate. Rather than approximately 1,000 families, more recent estimates of the Navajo and Hopi Relocation Commission indicate that full implementation of Public Law 93-531 may require the relocation of approximately 2,700 families. Altogether then, the families, predominately Navajo, subject to the relocation mandates of Public Law 93-531 may total close to three times the number originally estimated. This means that full implementation of Public Law 93-531 may require the relocation of more than 10,000 individual family members.

In February 1985, President Reagan commissioned William P. Clark, former Secretary of the Interior, to study certain aspects of the implementation of Public Law 93-531. A memorandum dated September 20, 1985, prepared by Richard C. Morris, who served as counsel in the Department of Interior, outlines many problems related to implementation of the relocation mandates of Public Law 93-531. The Morris report describes the suffering of some of those who voluntarily accepted relocation to the off-reservation, urban areas:

[P]articularly the older—or traditional—families have been able unable to cope in an urban or even suburban environment. Some could speak only in their native tongue and had no marketable skills. They had no understanding of municipal taxes, utility services, or maintenance of the simplest mechanical devices in their modern homes. They were soon in debt and became victims of unscrupulous lenders. Many lost or sold the homes provided by the Relocation Commission, probably the central reason they had agreed to move in the first instance. Many suffered severe emotional traumas when placed in an environment in which they could not cope and now regret their decision to move.

Some of the problems faced by those who "volunteered" for relocation such as cultural shock and substandard living conditions are also addressed in a report released on April 25, 1985, by the surveys and investigations staff of the Subcommittee on the Department of Interior and Related Agencies of the House Committee on Appropriations. This report is critical of the way the relocations mandated by Public Law 93-531 have been implemented by the Relocation Commission, and it highlights a number of the problem areas, including: long delays in completing replacement housing, a lack of planning, failure to provide decent housing, cost overruns, inadequate counseling activities, relocatee housing

resale activity and related fraud allegations.

The large-scale removal of people from their traditional homes to new communities required by Public Law 93-531 surely poses logistical problems. Nevertheless, the failures of the Relocation Commission to cope with logistical and other problems has increased the human suffering of relocatees. This intolerable situation must not be allowed to continue.

RELIGION AND TRADITIONAL RESISTANCE

If the experiences of those who "volunteered" for relocation are disturbing, the problems of those Navajo subject to relocation who have steadfastly refused to go, are even more so. Yet, despite years of impoverishment, forced livestock reduction and a profound sense of uncertainty concerning their future, traditional Navajo continue to oppose relocation. The essence of the Navajo resistance to the relocation mandates of Public Law 93-531 is founded in their traditional Navajo religion. As one Navajo resister has explained, relocation is not acceptable to traditionals because it would force them to accept a "deportation from the spiritual world of their ancestors." Many of those who have chosen to relocate frame their decision in a religious context as well. For example, one Navajo relocatee explained his decision to relocate: "we are Christians and our God can go anywhere."

Because their religion is linked to the land, compulsory relocation would seriously undermine traditional Navajo religious beliefs. Relocation heightens the spiritual, social, and psychological suffering experienced by traditionals by tampering with their connection to the land and their system of religious belief.

The complex relationship which has developed over the years between Navajo and Hopi in major part arises from historical, cultural and traditional considerations. Throughout numerous legal struggles between the two federally recognized tribal councils over the past few decades, however, many traditional Hopi and Navajo have always maintained that they had more in common than at odds.

The religious beliefs of traditional Hopi and Navajo are both based on land theologies which follow natural laws. Moreover, they share a commitment to revere forever and serve as caretakers of the land. This commitment serves as a strong common bond between many traditional Hopi and Navajo, and is the foundation of their joint opposition to the relocation mandates of Public Law 93-531.

MONEY COSTS

Although the tragic human costs associated with the relocation efforts of the Federal Government are impossible to calculate, the economic costs are less elusive. We now know that early estimates of the cost of relocation

were completely erroneous. Indeed, rather than approximately \$40 million, more recent estimates indicate that 7 or 8 times that amount may be required to complete the relocation. The House report that accompanied the fiscal year 1987 Department of the Interior and Related Agencies Appropriation bill noted that although approximately \$150 million had already been appropriated, more than \$100 million in additional costs would be required to complete relocation. Moreover, with the target date for completion in 1993, 4 years into the future, and the horrendous record of the Relocation Commission in meeting cost estimates, it does not seem unlikely that the total costs of the compulsory relocation ultimately may soar to heights of between one-third and one-half of a billion dollars.

SUMMARY OF THE LEGISLATION

Congress has grappled with the problems stemming from the implementation of Public Law 93-531 for 15 years now, Mr. President. As our understanding of the complexities and dimensions of the issues have increased, modifications to the original act have been adopted. Fifteen years later, however, it is increasingly apparent that the approach of Public Law 93-531 is seriously flawed, and that it has inflicted, and will continue to inflict, great hardship and suffering.

Mr. President, the legislation I am proposing today will give us the opportunity to halt the relocations for 18 months and reconsider the implementation of Public Law 93-531. It will establish a Navajo and Hopi Indian Relocation Advisory Commission with a majority of Hopi and Navajo viewpoints as separate from the viewpoints of the respective tribal councils. Thus, this legislative proposal represents the only congressional initiative which seeks to provide Hopi and Navajo traditionals with a forum in which to express their views concerning implementation of Public Law 93-531.

Mr. President, it is imperative that any proposed solutions or alternatives to the problems resulting from the implementation of Public Law 93-531 must incorporate the views of traditional spokesmen and leaders of both tribes. If those most directly involved and most harshly affected by the relocation mandates are not allowed to participate fully in the process, it is highly unlikely that any viable resolution of the controversy can be found.

The Advisory Commission would be required to hold public hearings on the lands subject to the mandates of Public Law 93-531. These hearings would be held at a variety of locations, including communities facing relocation. By mandating public hearings on the land and requiring a rotation of hearing sites, this measure aims at encouraging the greatest level of partici-

pation by Hopi and Navajo representing the entire spectrum of viewpoints.

After the Advisory Commission concludes its study of the problems resulting from implementation of Public Law 93-531, it would be required to submit a report to Congress outlining recommendations for solutions to the remaining problems involved in completing the requirements of Public Law 93-531, and viable alternatives to relocation, that would resolve the disputes between the Hopi Tribal Council and the Navajo Tribal Council, and meet the needs of many traditional Hopi and Navajo as well.

Mr. President, my legislation does not impose another legislative solution. Rather, it provides the time and the means to change the course. The initiative I am introducing today offers an alternative process for dispute resolution, a process which emphasizes the input of those most uniquely qualified to negotiate for themselves an acceptable solution.

Finally, I ask unanimous consent that the complete text of S. 481 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Notwithstanding any provision of law other than subsection (b)—

(1) no Navajo Indian or Hopi Indian shall be required to relocate pursuant to the provisions of Public Law 93-531, or pursuant to any judgment or order of any Federal court, during the 18-month period beginning on the date of enactment of this Act,

(2) no Federal funds may be expended during such period with respect to—

(A) the lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)), or

(B) the lands held in trust for the Navajo Tribe, or to be acquired for the Navajo Tribe, under section 11 of Public Law 93-531 (25 U.S.C. 640d-10), and

(3) no construction, except such construction as may be necessary for individuals already located to such lands, may be carried out during such period on the lands described in paragraph (2).

(b)(1) Nothing in this Act shall alter, affect, or delay any payment which is required to be made to any individual under the provisions of Public Law 93-531.

(2) The Navajo and Hopi Indian Relocation Commission and the Secretary of the Interior shall take such actions as may be necessary to ensure that no Indian is subjected to any undue hardship by reason of the provisions of subsection (a).

SEC. 2. (a) There is hereby established the Navajo and Hopi Relocation Advisory Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The membership of the Commission shall consist of—

(A) 2 individuals appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives,

(B) 2 individuals appointed by the President pro tempore of the Senate.

(C) an individual appointed by the American Bar Association who has a background in mediation or arbitration and in human rights or constitutional law.

(D) 3 Hopi Indians who represent the Hopi Traditional Sovereign Villages and are appointed to the Commission by traditionally recognized spiritual leaders or spokesmen of the Hopi Traditional Sovereign Villages.

(E) 3 Hopi Indians appointed by the Hopi Tribal Council.

(F) 3 Navajo Indians who represent Navajo traditional people and are appointed to the Commission by the Navajo communities located on lands held in trust for the Hopi Tribe under section 10(b) of Public Law 93-531 (25 U.S.C. 640d-9(b)) that are subject to relocation, and

(G) 3 Navajo Indians appointed by the Navajo Tribal Council.

(2)(A) At least one of the individuals appointed under subparagraphs (A) and (B) of paragraph (1) shall be an anthropologist or sociologist who has studied relocation.

(B) The individuals appointed under subparagraphs (A) and (B) of paragraph (1) should be representative of different educational, economic, racial, ethnic, and age groups and shall include men and women.

(3) Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) The individual appointed under paragraph (1)(C) shall act as Chairman of the Commission.

(5) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(6) Each member of the Commission shall be entitled to one vote which shall be equal to the vote of every other member of the Commission.

(7) The Commission may adopt such rules and regulations (consistent with the other provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c)(1) The Commission shall conduct a study of—

(A) the problems resulting from the implementation of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531 that meet the needs of traditional members of both of the Hopi and Navajo traditional governments.

(2) In conducting the study under paragraph (1), the Commission shall visit, inspect, and hold public hearings regarding the lands involved in the relocation required under Public Law 93-531. Public hearings of the Commission shall be held at a variety of locations, particularly the communities involved in the relocation.

(3) By no later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to the President and to the Congress a report on the study conducted by the Commission under paragraph (1). Such report shall include—

(A) recommendations for solutions to the remaining problems involved in completing the requirements of Public Law 93-531, and

(B) viable alternatives to the relocations required under Public Law 93-531,

that would resolve the disputes between the Hopi Tribal Council and the Navajo Tribal Council, and meet the needs of traditional members of both the Hopi and the Navajo traditional governments.

(d) The Commission shall have the power to—

(1) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of such personnel as may be necessary to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(e)(1) Each member of the Commission not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation.

(3) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) The Commission may hold such hearings and sit and act at such times, take such testimony, have such printing and binding done, enter into such contracts and other arrangements, make such expenditures, and take such other actions as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(g) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(h)(1) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purposes of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits the report required under subsection (c)(3).

SEC. 3. Funds necessary to carry out the provisions of this Act shall be paid out of amounts appropriated to the Navajo and Hopi Indian Relocation Commission.

By Mr. GORE:

S. 485. A bill to authorize a White House Conference on Homelessness; to the Committee on Governmental Affairs.

WHITE HOUSE CONFERENCE ON HOMELESSNESS

● Mr. GORE. Mr. President, the U.S. Conference of Mayors recently released its latest report on homelessness, revealing what just about everyone involved in this issue already suspected; affordable housing is becoming even scarcer, hunger and homelessness continue to increase, the number of persons seeking emergency shelter is rising, and families compose more than a third of the homeless population.

Among the recommendations of the chairman of the Conference of Mayors, Mayor Raymond L. Flynn of Boston, was the convening of a White House Conference on Homelessness. The Stewart B. McKinney Homeless Assistance Act passed with broad, bipartisan support in the last Congress; and I am convinced that a White House Conference on Homelessness would play a constructive role in helping develop the next stage of a unified public policy affecting the homeless.

Therefore, today I am introducing the "White House Conference on Homelessness Act" to authorize a national conference of individuals concerned with programs and issues, both public and private, relating to homelessness. This assembly will be charged with the responsibility of examining homelessness and developing specific and comprehensive recommendations for appropriate executive and legislative action to address the problems of homelessness.

The Conference also will be asked to review existing laws and regulations related to public policy regarding the homeless and make recommendations for improvements. Joining me as original cosponsors of this act are Senators DODD, HEINZ, KERRY, ROCKEFELLER, SASSER, SHELBY AND STEVENS.

During the campaign, President Bush repeatedly called for full funding of the Stewart B. McKinney Homeless Assistance Act, the major homeless bill in the last Congress. The President, and his new HUD Secretary Jack Kemp, have made a public commitment to addressing the problems associated with homelessness. I applaud that commitment, and I welcome the opportunity to work with the administration to make real and permanent progress toward solving this crisis. And, Mr. President, home-

lessness is indeed at crisis proportions in this Nation.

In the January report of the Conference of Mayors, one in a series issued by that organization since 1982, the extent of homelessness in the Nation's cities was once again cited in detail. Among the conclusions of the report, which compiled the results of a 27-city survey, were the following:

During the past year, requests for emergency shelter increased by 13 percent, while requests for shelter by homeless families increased by an average of 18 percent. An average of 19 percent of the requests for emergency shelter went unmet during 1988; and for homeless families, 23 percent of the requests were unmet. Nearly all cities expect requests for emergency shelter to increase again this year.

Emotional and mental health problems were identified most frequently as a consequence of homelessness for parents, children, and families as a whole. Among the other consequences cited were school-related problems, health problems and inadequate health care, loss of self-esteem and hopelessness, and family problems.

Every survey city cited the lack of housing affordable by low-income people as a main cause of homelessness. Other causes frequently identified were unemployment; mental illness, and the lack of services for the mentally ill; substance abuse, and the lack of needed services; and, of course, poverty.

More than a third, 34 percent, of the homeless are members of families; and one in four homeless persons is a child. Another 34 percent are substance abusers; a fourth are mentally ill; and 23 percent are employed.

Mr. President, the statistics go on and on, almost to a numbing degree. There are statistics about runaway youth, the elderly, veterans, the physically and mentally ill, abused and battered women and children. There are as many reasons for homelessness as there are homeless people. And I am certain that every one of my colleagues is appalled by the number of children who do not have a home.

The Tennessee Department of Education recently issued its report on the education of homeless children and youth as required by the McKinney Act. Commissioner Edward Smith determined that a lack of stability is the No. 1 concern for homeless children. Let me quote from Commissioner Smith's report:

Deprived of basics such as proper heating and clothing, attending school on a regular basis is difficult. Many of these children feel rejected and are shuffled around so much, they fall far behind academically. These children need an assurance that they are worthy of love and consideration as human beings; they need help in developing their self-esteem.

Mr. President, the McKinney Act was, and remains, an essential element

of the Federal response to homelessness. To some extent, it begins to address most of the problems associated with homelessness. But with the problem continuing to grow, the next step in homeless policy needs to be defined, and a coherent long-range policy must be developed. It is for that reason that I am introducing the White House Conference on Homelessness Act.

The Conference is meant to increase public awareness, identify the problems of homelessness, assemble the individuals involved in the issues and programs related to homelessness, review existing laws and programs, and make recommendations for executive and legislative action.

Delegates will be selected in State and regional conferences or appointed by Governors, mayors, and Members of the House and Senate. Each Senator will be given the opportunity to name a delegate to attend the national conference. The President will name 100 delegates; and he is authorized to call and conduct the conference within 18 months of enactment and to appoint a conference director and staff.

The Executive Director of the Interagency Council on the Homeless will be charged with preliminary preparations for the conference, including giving approval for the State and regional conferences. In general, this conference is modeled on the very successful White House Conferences on Small Business.

Mr. President, I believe this conference will serve a very important function by giving those most closely involved in services and advocacy for the homeless the opportunity to make specific recommendations for public policy. I urge my colleagues to join me in making this conference a reality and a success.

At this time, Mr. President, I ask unanimous consent that two letters from Mayor Flynn, one endorsing this legislation and one to President Bush, be inserted in the RECORD at this point, along with a copy of the full text of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White House Conference on Homelessness Act".

SEC. 2. AUTHORIZATION OF CONFERENCE.

(a) IN GENERAL.—The President shall call and conduct a National White House Conference on Homelessness (hereinafter referred to as the "Conference") within 18 months of the date of enactment of this Act, to carry out the purposes described in section 3 of this Act. The Conference shall be preceded by State and regional conferences with at least one such conference being held in each State and the District of Columbia.

(b) PRIOR STATE AND REGIONAL CONFERENCES.—Participants in the Conference and other interested individuals and organizations are authorized to conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the Executive Director of the Interagency Council on the Homeless, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 3 of this Act in order to prepare for the Conference.

SEC. 3. PURPOSES OF CONFERENCE.

The purposes of the Conference shall be—

- (1) to increase public awareness of homelessness;
- (2) to identify the problems of homeless individuals;
- (3) to examine the status of homeless individuals;
- (4) to assemble individuals involved in policies and programs related to the homeless;
- (5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problem of homelessness; and
- (6) to review the existing laws and regulations related to public policy regarding the homeless.

SEC. 4. CONFERENCE PARTICIPANTS.

(a) IN GENERAL.—In order to carry out the purposes specified in section 3 of this Act, the Conference shall bring together individuals concerned with issues and programs, both public and private, relating to homelessness. No person involved in providing services to, or advocacy for, homeless individuals may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any attendee except a registration fee of not to exceed \$10.

(b) SELECTION.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences. In addition—

- (1) each Governor may appoint one delegate and one alternate;
- (2) each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate;
- (3) the President may appoint 100 delegates and up to 30 alternates;
- (4) each organization enumerated in section 301(b) of the Stewart B. McKinney Homeless Assistance Act may appoint one delegate and one alternate; and
- (5) each mayor of a city with a population of 175,000 or more, according to the latest available census, may appoint one delegate and one alternate.

Only individuals involved in providing services to, or advocacy for, homeless individuals shall be eligible for appointment pursuant to this subsection.

SEC. 5. PLANNING AND ADMINISTRATION OF CONFERENCE.

(a) FEDERAL SUPPORT.—All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) EXECUTIVE DIRECTOR OF INTERAGENCY COUNCIL.—In carrying out the provisions of this Act, the Executive Director of the Interagency Council on the Homeless—

- (1) shall provide such assistance as may be necessary for the organization and conduct

of conferences at the State and regional levels as authorized under section 2(b) of this Act;

(2) is authorized to enter into contracts with public agencies, private organizations, and academic institutions to carry out the provisions of this Act; and

(3) shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the Conference, as well as by participants in State and regional conferences.

(c) **NONREIMBURSEMENT.**—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed either from funds appropriated pursuant to this Act or the Stewart B. McKinney Homeless Assistance Act.

(d) **STAFF.**—(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

SEC. 6. REPORTS REQUIRED.

Not more than 6 months after the date on which the National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

SEC. 7. FOLLOWUP ACTIONS.

The Interagency Council on the Homeless shall include in its annual report to the President and the Congress the status and implementation of the findings and recommendations of the Conference.

SEC. 8. AVAILABILITY OF FUNDS.

(a) **AUTHORIZATION.**—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and they shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

(b) **LIMITATION; DISPOSITION OF UNEXPENDED BALANCES.**—No funds appropriated to the Interagency Council on the Homeless shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

OFFICE OF THE MAYOR,
Boston, MA, March 1, 1989.

HON. ALBERT GORE, JR.,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GORE: I appreciate your action today in filing legislation to establish

a White House Conference on Homelessness. You have always been a strong advocate for the homeless, and this new legislation further demonstrates your commitment to this important issue.

As Chairman of the U.S. Conference of Mayors Task Force on Hunger and Homelessness, and on behalf of the nation's mayors, I recently issued our annual survey which shows that this problem continues to grow, and needs the increased attention of the federal government.

Last October, I wrote to the two Presidential candidates and urged them to convene a White House Conference. Recently, I wrote to President George Bush, and sent him the attached letter along with a copy of the U.S. Conference of Mayors report on Hunger and Homelessness.

I am encouraged by President Bush's expressed concern for the homeless in America, and hope that he will convene this conference. With your leadership in the Senate, this conference will be a giant step toward the solution to homelessness in our country.

Thank you for your long-standing commitment to the homeless in America. Mayors across the nation know that they can count on you to work with them on issues of fairness and equity.

Sincerely,

RAYMOND L. FLYNN,
Mayor of Boston.

OFFICE OF THE MAYOR,
Boston, MA, January 30, 1989.

PRESIDENT GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In your inaugural speech, and in other speeches and statements you have made, you have called attention to the urgency of the plight of the homeless in America. As Chairman of the United States Conference of Mayors Task Force on Hunger and Homelessness, I greatly appreciate that you have moved to elevate the needs of our homeless Americans to the top of our national agenda and I would like to reiterate a plan of action that I submitted to you during the presidential campaign.

Last October, I wrote to you and to Governor Dukakis to ask that the next President convene a White House Conference on Homelessness, as a way to mobilize the strong public-private partnership that is needed to end the shame of homelessness in America. This conference would bring together representatives of your administration, Congress, state and local government, the clergy, shelter and service providers, the private sector, unions, veterans' groups and community organizations to map an all out effort in which every person and every group can play a role in ending homelessness.

Together, this conference can adopt as a national goal, the commitment made in my city by the people of Boston that:

"No person shall be denied a warm bed, a hot meal, decent health care and transportation to and from shelter."

As a further goal, this conference would also consider the steps needed to provide safe, decent and affordable housing for all in need. While shelters are important, shelters are not homes and we cannot rest until we have devised a way for every homeless family—and in particular, every homeless child to have a place that they can call home.

I also believe that a White House Conference on Homelessness would be complimen-

tary to your commitment to provide "full funding" for the Stewart B. McKinney Homeless Assistance Act as well as your support for raising the minimum wage—an action that will help many of the homeless who work full or part time jobs, and still cannot afford food or housing. As you know, the McKinney Act is an important step in providing services to the homeless, but it is no panacea in and of itself. A White House Conference on Homelessness would serve to illuminate the "thousand points of light" to which you have often referred—the dedicated individuals and organizations who give their time and money to help those in need.

Earlier this month, on behalf of the mayors of America, I released our annual report on "The Status of Hunger and Homelessness in America's Cities," which I am enclosing for your review. In our report, we found that hunger and homelessness are continuing to increase—particularly among families and veterans—however, we also found that due to the McKinney Act and expanded activity by local governments and community organizations, the increase had abated somewhat. This does not mean that we should stop to pat ourselves on the back, rather, it means that our efforts are beginning to pay dividends and that we should redouble these efforts to turn around these disturbing statistics.

Your action in convening a White House Conference on Homelessness would have the strong support of all Americans. The National League of Cities unanimously adopted this proposal during their annual meeting in Boston last December and I have received letters of support for this idea from both Democratic and Republican mayors. Further, the Heritage Foundation, a conservative "think tank," recently held a conference on homelessness at which the need for increased presidential leadership was frequently cited. The White House Conference on Homelessness could be a centerpiece of your administration's strong commitment.

Thank you for your leadership on this issue. I would appreciate the opportunity to discuss this proposal with the appropriate members of your administration.

Sincerely,

RAYMOND L. FLYNN,
Mayor of Boston.●

By Mr. BENTSEN:

S. 486. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, and for other purposes; to the Committee on Energy and Natural Resources.

LAKE MEREDITH SALINITY CONTROL PROJECT

● Mr. BENTSEN. Mr. President, today I am again introducing legislation to help the people of the Texas Panhandle assure themselves of a reliable supply of quality drinking water.

This bill will authorize the Bureau of Reclamation to work with the Canadian River Municipal Water Authority to reduce the salt content of the water supplied to the CRMWA's member cities. Those member cities include Amarillo, Borger, Pampa, Plainview, Lubbock, Slaton, Tahoka, O'Donnell, Lamesa, Brownfield, and Levelland. These towns have a com-

bined population of some 430,000 people.

Water is the lifeblood of our country. In west Texas water is especially scarce and valuable. The high value which the citizens of this great area of our country place on a reliable water supply is indicated by their willingness to pay for most of the costs of this project themselves. Local citizens, with the help of the able then-State Senator BILL SARPALIUS, got the Texas State Legislature to enact a law enabling the CRMWA to sell tax-exempt revenue bonds to finance this project. I am pleased that Congressman BILL SARPALIUS is now one of the newest Members of the Texas congressional delegation and is a sponsor of the House version of this bill, along with another of my distinguished Texas colleagues, Congressman LARRY COMBEST.

The Canadian River Municipal Water Authority began delivering water from Lake Meredith to its member cities in 1968, and since the beginning there has been concern about the quality of that drinking water. The salt content has shown a generally increasing trend, with drought cycles producing chloride levels as high as 400 milligrams per liter. Health and environmental agencies generally recommend maximum chloride levels of 250 mg/L for drinking water. Cities which also have ground water available have in some cases mixed that in with the lake water to get a more acceptable water supply, but that option is more expensive and is not available to all.

Studies by private consultants and by the Bureau of Reclamation have shown that about 70 percent of the salt entering Lake Meredith originates in a shallow brine aquifer just downstream from Ute Dam near Logan, NM. This brine aquifer is under artesian pressure and is leaking into the river.

In 1980 the Bureau of Reclamation was directed by Public Law 96-375 to study this problem and report on possible solutions. This report, completed in 1985, recommended drilling wells into this aquifer and pumping brine out to reduce the artesian pressure. The most economical method of disposing of this brine is through deep injection wells of the type used in the oil industry, and there appears to be suitable geologic strata for this purpose in the area.

This project is essential if the Texas Panhandle is to have an adequate supply of acceptable quality drinking water for the future of the region. The CRMWA and its member cities are prepared to operate and maintain the project and to pay for the cost of construction, but they need the technical expertise of the Bureau of Reclamation in designing and building the project.

The bill I am introducing today will authorize funds to be appropriated to the Bureau of Reclamation to carry out the preliminary work and to supervise the construction of the project. It will also authorize the Bureau to accept funds from the CRMWA to pay for land acquisition and construction costs. The CRMWA has estimated that their part of the costs will total about \$6.4 million, with the Federal portion totaling about \$2 million. These figures will undoubtedly be updated by more detailed Bureau of Reclamation estimates during consideration of this bill. However, this is obviously a very heavy commitment of non-Federal funds, giving a high degree of leverage to the small Federal investment which will be required if this project is to be successful.

The people of west Texas understand that the alternative is to allow salt pollution of the region's water to continue, possibly rendering Lake Meredith useless eventually. Lack of a reliable water supply will make future economic growth very difficult, and the loss of Lake Meredith would threaten the existing economic base.

The citizens of west Texas are not asking the Federal Government for a handout. They are not asking the taxpayers to carry them. They are asking the Federal Government to work side by side with them in this endeavor and to share the essential expertise which the Bureau of Reclamation has developed through years of construction projects.

Passage of this legislation will allow this local self-help project to get started. I am pleased to be able to introduce this bill, and I urge its passage by the Senate.●

By Mr. CRANSTON (for himself and Mr. MATSUNAGA):

S. 487. A bill to include among those eligible for the prisoner-of-war medal certain individuals who were held captive in circumstances comparable to those under which persons have been held captive by enemy governments; to the Committee on Armed Services.

PRISONER OF WAR MEDAL

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing legislation, S. 487, to amend section 1128 of title 10, United States Code, which establishes eligibility for the prisoner-of-war medal, to incorporate the definition of prisoner of war that is utilized in title 38, United States Code, for determining eligibility for VA benefits, and thereby include among those eligible for the medal those individuals who were held captive in neutral or allied countries in situations similar to those of prisoner-of-war conditions during armed conflict. Joining with me in this legislation is fellow committee member Senator MATSUNAGA. Section 532 of Public

Law 99-145, the Department of Defense Authorization Act for fiscal year 1986, directed the various Secretaries of the military departments to issue a medal to former prisoner of war. The Department of Defense has interpreted that provision, which is codified at section 1128 of title 10, as not permitting the award of this medal to individuals who were taken and held as prisoner in situations other than the classical prisoner-of-war situation during armed conflict. As a result, the medal has not been awarded to such former captives as the crewmembers of the U.S.S. *Pueblo* and the military personnel who were held captive in Iran during the seizure of the United States Embassy in Teheran.

On May 20, 1988, legislation I coauthored with my good friend from Florida, Senator GRAHAM, was enacted in Public Law 100-322, providing that an individual who was detained during wartime by a foreign, nonenemy government—that is, a neutral or ally—is a former POW for VA benefit purposes, if the Administrator of Veterans' Affairs determines that he or she was held under circumstances comparable to those under which persons are held as POW's by enemy governments. Therefore, individuals who previously have been turned down as ineligible for POW status for VA benefits but who satisfy the new criteria may now receive those benefits as former POW's.

In my view, a change in the criterion establishing eligibility for POW medal purposes is certainly justified as a matter of policy. There can be no doubt that the *Pueblo* crew members were held as prisoners under conditions as bad or worse than many other military personnel who were taken and held as prisoners during time of war. In addition, this change could bring eligibility for the former prisoner-of-war medal into conformance with the standard used for eligibility for benefits under title 38 that are provided on the basis of the veteran being a former prisoner of war.

It is my hope that this bill will enable the *Pueblo* crew and others with similar experiences to receive the recognition which they earned at such great personal cost—recognition that they have been denied due to the rigid definition of prisoners of war currently being applied for purposes of the medal.

Mr. President, I urge my colleagues to give their support to this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-

tion 1128(a) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "or"; and

(3) by adding at the end the following new clause:

"(4) by a foreign government or its agents, or a hostile force, under circumstances which the Secretary concerned finds to have been comparable to the circumstances under which persons have generally been held captive by enemy governments during periods of war."

By Mr. FOWLER (for himself, Mr. FORD, Mr. METZENBAUM, Mr. BINGAMAN, Mr. CONRAD, Mr. KERRY, and Mr. WIRTH):

S. 488. A bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy efficiency technologies, and for other purposes; to the Committee on Energy and Natural Resources.

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT

● Mr. FOWLER. Mr. President, I rise today to introduce the Renewable Energy and Energy Efficiency Technology Competitiveness Act. This proposed legislation reflects my long-held belief that renewable and conservation technologies are an essential component of the comprehensive, long-term energy policy our Nation must have if we are going to establish energy independence.

It is easy to forget the gas lines of the 1970's. We have proven that by letting our dependence on oil imports escalate until it exceeds that of the Arab oil embargo era. It is easy to forget the uncertainty of the oil supply the world experienced so recently during the Persian Gulf conflict. With a weak OPEC and plentiful oil production, it is even easier to ignore the limits of world oil reserves to supply our energy needs into the next century.

But I believe we are shirking a basic responsibility of foresight in government if we succumb to these Lethal-like temptations to laziness and procrastination. That is why I introduced this bill in the 100th Congress, where it came very close to final passage. At that time American servicemen were still escorting oil tankers through a war zone, coming under attack and inflicting casualties. Some of the reminders of the urgent need for action have dissipated, but the underlying portents remain the same. So today I am reintroducing this legislation and urging Congress to respond to this challenge of energy independence, instead of waiting to respond to another energy crisis.

I can think of no more opportune moment, at the beginning of a new administration, to consider this legislation which seeks to reverse policies

which have allowed our development efforts in solar, photovoltaics, wind, geothermal, biomass and other promising technologies to fall into stasis and neglect.

This legislation calls for targeted renewable energy and energy efficiency research, along with development and demonstration programs to bring these ideas into the mainstream. It authorizes funding levels on a multiyear basis to provide stability in these programs. And it calls on the Department of Energy to focus on commercial applications of the most promising technologies—to translate our research, development and demonstration efforts into marketable products that can provide major help in meeting every demand.

Under the previous administration, very beneficial and cost-effective Department of Energy programs in conservation and development of renewables were all but eliminated, while our main competitors in the advancement of technology were not so shortsighted. The Japanese, the Germans, the Dutch and the Brazilians bolstered their support for research and development in alternative sources of energy. In the 1980's we lost our lead, to international competition, in many renewables technologies invented by Americans.

The development and marketing of these technologies can make major contributions to eliminating our trade imbalances—by reducing our need for oil imports and increasing our exports of energy technologies. The potential for marketing photovoltaics devices alone is huge in developing countries.

Many of these resources which we know how to develop can provide a virtually inexhaustible energy supply with no adverse effects on the environment. These technologies could substitute for some of the environmentally destructive energy projects undertaken by Brazil and other debtor nations in their rush for industrial development. They can stem the greenhouse effect and arrest global warming. They can also lessen our need to turn to nuclear energy before we can solve the massive, and growing, environmental problems we are experiencing in that area.

These clean sources of energy will also have direct economic benefits. We can potentially save billions on pollution control, cleanup and health care costs. We can also abate extensive damage to our natural resources—from our farms to our lakes and forests.

Developing energy efficiency and renewable energy technologies makes sense. It offers immense returns in energy independence, economic security, environmental protection, and international competitiveness. That is what I am proposing to invest in. I think it is a modest investment, one

we can hardly afford not to make, and I urge my colleagues in the Senate to once again support this legislation.●

● Mr. WIRTH. Mr. President, I appreciate the opportunity to join Senator FOWLER in introducing this important bill. Eight years ago, this Nation was investing substantial resources into energy efficiency and conservation programs. The oil price shocks of the 1970's forced us to recognize that our dependence on foreign sources of oil threatens our national security as well as our economy. We also realized that it was time to roll up our sleeves to respond to these challenges. So we set the Nation's research community, Federal agencies, and industry to work to reduce our dependence on foreign energy supplies—particularly imported oil. The result of that effort is nothing short of astounding.

Improvements in energy efficiency have leveled off the Nation's energy consumption. Today, we use the same amount of energy as we used in 1973, despite enormous growth in our economy. And the United States took the lead in developing alternative sources of energy, including promising solar energy technologies.

Unfortunately, the impressive gains that have been derived from energy conservation and renewable energy research and development have been reversed by misguided budget priorities within the DOE budget over the past years. We should restore as a priority commonsense energy research that will contribute to our efforts to reduce the trade deficit, enhance our competitiveness, and protect the environment.

I am concerned that we may have lost an international competitive edge to Japan, a country that now is twice as energy efficient as the United States. Our Government should have been following policies designed to take that edge away. Instead, over the past 8 years, we have abandoned energy conservation as the cornerstone of a sound and effective energy plan.

Eight years ago we were spending more than \$500 million on solar and renewable research programs. This year's budget funded these programs at \$84.5 million. Similarly, when the Reagan administration began, the budget for energy conservation research and development was \$343 million. Now we have an energy conservation research program funded at \$86 million. We must ask ourselves: Why have we cut these programs 85 percent and 75 percent respectively?

Have these programs been sacrificed in order to balance the Federal budget? Have we realized the full benefits of energy conservation and renewable energy supplies? Has the private sector taken over leadership of the Nation's energy research and de-

velopment? The answer to these questions can only be no.

If we do not reverse this trend toward reducing the critical investments we must make for future generations, we owe an apology to our children and grandchildren. For example, the U.S. world market share in photovoltaics has dropped from 80 percent in 1981 to 50 percent this year. Our international competitors, such as Japan and West Germany, have increased their expenditures on photovoltaic research and development—and they are reaping the benefits of that. We must take a sober look at today's budget realities, and readjust our priorities to invest in energy efficiency improvements and renewable energy.

In my home State of Colorado, the Solar Energy Research Institute, which was designed to be the Nation's primary Federal laboratory for solar energy research and to perform functions assigned by the Department of Energy in research, development, and testing, has had to absorb significant cuts for the last 8 years. SERI simply cannot absorb any additional cuts and continue to conduct and coordinate research and development on solar technologies which private industry cannot reasonably be expected to undertake.

Energy efficiency, solar energy, and other renewable energy technologies can enhance our industries' competitiveness in international markets and can help improve the Nation's balance of trade by reducing the need for imported oil. And as atmospheric scientists from around the world are sounding an alarm about the potentially profound threat of global warming, it is becoming increasingly clear that energy efficiency and alternatives to fossil fuels must be found to preserve and protect our environment.

This bill would provide stable, multiyear funding for these research programs, enabling them to plan programs that often take several years to develop. In addition, this legislation would provide the impetus to expand the use of public/private partnerships to demonstrate the commercial feasibility of energy efficiency and renewable energy technologies. I look forward to working with Senator FOWLER in passing this vital bill and to developing a comprehensive national energy policy that emphasizes the critical importance of energy conservation and alternative sources of energy. ●

By Mr. KENNEDY (for himself, Mr. KASTEN, Mr. LEAHY, Mr. INOUE, Mr. SIMON, Mr. PELL, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GRASSLEY, Mr. EXON, and Mr. D'AMATO):

S. 489. A bill to transfer certain funds available for State legalization assistance programs to programs to assist refugees; to the Committee on Appropriations.

TRANSFER OF CERTAIN FUNDS FOR REFUGEE ASSISTANCE

● Mr. KENNEDY. Mr. President, I am pleased to join with my colleague from the Appropriations Committee, Senator KASTEN, as well as many other Senators, in introducing this bill to deal with the refugee crisis that has developed in our program for Soviet refugees.

An emergency situation has now developed in the flow of Jewish refugees and others from the Soviet Union. The number suddenly being allowed to leave the Soviet Union will nearly double the total last year, and will be 50 percent more than was budgeted or planned for this fiscal year.

During the President's consultations with the Judiciary Committees last September, on refugee admissions under the terms of the Refugee Act, the administration proposed a ceiling for the Soviet Union of 18,000 which was increased to 25,000 in December, after emergency consultations. But, at the rate of the current flow of Soviet refugees, those numbers will be exhausted by the end of this month. No funding will be available, and the program will come to a halt.

Clearly, we have a humanitarian as well as a foreign policy interest in responding to this emergency. As chairman of the Subcommittee on Immigration and Refugee Affairs of the Judiciary Committee, we are prepared to use the emergency provisions of the Refugee Act to provide the additional admission numbers, but this is only half the problem. The equally important other half is adequate funding for their processing and resettlement. If additional funding is not found by next month, refugees will be turned back, left to languish in Rome at great cost in care and maintenance, and the voluntary agencies involved in the program will be forced to close down.

We are introducing a bill to deal with this crisis by drawing on already appropriated funds that the administration proposes to rescind. The fund is the State legalization impact assistance grants created and funded by the Immigration Reform and Control Act of 1986. The administration proposes to rescind \$300 million of this fund in fiscal year 1990 and again in fiscal year 1991. Furthermore, for fiscal year 1989, of the \$665 million available under the SLIAG Program, CBO reports that less than \$70 million will probably be actually spent.

We propose to shift \$150 million of these available funds to support the processing and resettlement of an additional 25,000 Soviet Jews and other refugees—the number estimated that will be moving through the end of this fiscal year. This will cover the costs of their processing and resettlement by the voluntary agencies, as well as State and local costs.

Clearly, longer term solutions must be found to deal with Soviet migration. But if we do not respond now to this emergency, we will be turning our backs to our longstanding commitment to assist Soviet refugees.

Mr. President, in introducing this legislation, it is not my intent to hamper the efforts of States to assist beneficiaries of the recent immigration amnesty through the State Legalization Impact Assistance Grant Program. State expenses reimbursed by the program to date have been so low that the President has proposed a \$300 million rescission in each of the next 2 years.

It is my intent to make it easier—not harder—for States to have access to the SLIAG Program for the legitimate expenses. And I am committed to making the adjustments to the program which many States are currently seeking, as well as to pursuing for the future any additional funding to States as a result of our emergency response to Soviet emigration.

To this end, I am introducing today separate legislation as a starting point for discussions regarding needed changes in the SLIAG Program.

Let me also note that this emergency response is the result of a healthy partnership between the Federal Government and the private sector. Organizations involved in the resettlement of refugees from the Soviet Union have launched tremendous fund-raising efforts of their own to match the funds we propose to appropriate to the program.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) of the unobligated funds appropriated by section 204(a)(1) of the Immigration Reform and Control Act of 1986 (relating to State Legalization Impact Assistance Grants)—

(1) \$50,000,000 are hereby transferred to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services for use only for grants under the "Voluntary Agency Programs" and for grants to States authorized by section 412 of the Immigration and Nationality Act (relating to domestic resettlement of and assistance to refugees) and for such other assistance authorized by such section as the Director may deem necessary; and

(2) \$150,000,000 are hereby transferred to the account under the Department of State entitled "United States Emergency Refugee and Migration Assistance Fund".

(b) Amounts transferred under subsection (a)—

(1) shall be administered in accordance with all the laws, rules, and regulations applicable to the accounts to which the funds were transferred, except that the dollar limitation on appropriated funds contained in

the second sentence of section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 shall not apply; and

(2) shall remain available for obligation and expenditure for the same period of time for which funds are available under the accounts to which the funds were transferred.●

● **Mr. LAUTENBERG.** Mr. President, I am pleased to join with Senators **KENNEDY, KASTEN**, and others as an original cosponsor of this bill which proposes funding for the processing and resettlement of the unexpectedly large number of Soviet refugees being permitted to leave the Soviet Union this year. Without this money, funding will soon run out and the admissions program for Soviet refugees will come to a halt within a matter of weeks.

Earlier this year, I, along with 53 other Senators wrote to the administration to urge them to address this serious problem, and I ask that a copy of this letter be inserted in the *RECORD* following my remarks.

The bill draws on already appropriated funds that the administration proposes to rescind. The funds being drawn upon are the State legalization impact assistance grants [SLIAG] created and funded by the Immigration Reform and Control Act of 1986. The administration proposes to rescind \$300 million of this fund in fiscal year 1990 and again in fiscal year 1991.

For fiscal year 1989, of the \$665 million available under the SLIAG Program, CBO reports that less than \$70 million will probably actually be spent. This bill will shift \$150 million of these available funds to support the processing and resettlement of an additional 25,000 Soviet Jews and other refugees—the number estimated that will be moving through the end of this fiscal year. This will cover the costs of their processing and resettlement by the voluntary agencies, as well as State and local costs.

Why do we need this money? It is needed to address the refugee emergency that has developed in the flow of Jewish refugees and others from the Soviet Union. The number of Soviet Jews allowed to leave the Soviet Union has nearly doubled since last year. It will be 50 percent more than was budgeted or planned for this fiscal year.

Last year, refugee admissions were set at 18,000 for the Soviet Union, and that was increased to 25,000 in December following emergency consultations with Congress. But, given the current rate at which Soviet refugees are seeking to enter this country, those numbers will be exhausted by the end of this month. No funding for these refugees will be available and the Refugee Program will come to a halt with respect to these people. The Judiciary Committee is prepared to use the emergency consultation provisions of the Refugee Act to provide the addi-

tional admission numbers. But additional numbers are only half the battle. There must be more funding, which this bill provides.

We must respond to this emergency. It would be ironic indeed that just at the time that the United States human rights policies have met with a good deal of success, especially in the area of freedom of emigration from the Soviet Union, our own lack of commitment to funding would impede the departure, migration, and resettlement of those the Soviets are permitting to leave.

Our actions must not send the wrong signals to freedom-loving people around the world. The United States has always been a beacon of hope to those struggling for fundamental human rights. Now, when our efforts have begun to bear fruit, and the Soviet Union has begun to grant thousands of citizens long-awaited exit visas, we must not be the cause of delaying these refugees' journey to freedom any more.

This bill makes sure that we don't. I urge my colleagues to swiftly pass it.

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

Hon. JAMES BAKER,

Secretary of State,

Washington, DC.

Hon. RICHARD THORNBURGH,

U.S. Attorney General,

Washington, DC.

DEAR MR. SECRETARY AND MR. ATTORNEY GENERAL: We are writing to express our concern about the problems that have arisen regarding the emigration and resettlement of Soviet refugees.

Our major concern is that, as of the end of January, over 500 Soviet Jews have been denied refugee status in Rome, a departure from the longstanding U.S. practice of considering all Soviet Jews to be refugees. Our second concern is that Soviet emigres seeking visas in Moscow have been told to expect delays of a year or more in processing their applications. Personnel ceilings notwithstanding, is there not a way to deal with this backlog so that the U.S. government does not replace the Soviet government as the obstacle to departure?

We realize that the substantial and unexpected increase in Soviet emigration has placed new strains on our agencies' ability to process and resettle refugees. It is ironic, however, that just at the time that the United States' human rights policies have met with a good deal of success, especially in regard to freedom of emigration from the Soviet Union, it is our own bureaucratic difficulties that are impeding the departure, migration and resettlement of those the Soviets are permitting to leave. Resolution of these problems must be found quickly.

The attempts being made by the State Department to find additional numbers and dollars and the initiative it took to work with the Office of Refugee Resettlement (ORR) at HHS are appreciated. We are all aware of the pressure created by the budget deficit and the need to exercise fiscal restraint.

It is disturbing, however, that the Department has chosen to open one door by closing another. We refer to the decision to re-

allocate 6,500 refugee slots from Southeast Asia to the Soviet Union. This decision sends a very negative message to the Vietnamese government and to the families of thousands of Indo-Chinese people who are already approved for the Orderly Departure Program or who are in first asylum countries.

In the spirit of bipartisanship and cooperation, we make the following suggestions for dealing with these problems in the short term.

First, the Refugee Act of 1980 specifies a procedure for dealing with unexpected increases in the refugee population, the emergency midyear consultation. We urge you to call for such a consultation so that the Administration and Congress can together determine the appropriate ceiling, funding levels and funding sources to accommodate the projected Soviet refugee flow in FY 1989. The private sector is already preparing a major campaign to raise additional private funds to supplement its annual fundraising efforts which raise millions for the resettlement of Soviet Jews in this country.

Second, there is a need for additional Immigration and Naturalization Service officers, particularly Russian speaking officers in Rome, to help speed up processing. Since this problem first arose, there has been a reduction in waiting time for interviews with INS. However, additional officers could shorten the stay in Rome even more, at significant savings for both the federal government and the private sector agencies.

Third, we call on the new Administration to reverse its departure from its longstanding practice of considering all Soviet Jews as refugees. This policy is founded on a long history of discrimination, anti-Semitism, anti-Zionism, and restricted opportunities for Jews in the Soviet Union. The reforms initiated by President Gorbachev are encouraging, but have yet to take hold in the daily lives of Soviet Jews and other religious minorities. In fact, one byproduct of glasnost is that extremist groups, including virulent anti-Semites, are growing increasingly outspoken. The United States should not modify its position on such a sensitive issue as refugee status until real change has taken root in the Soviet Union.

Our actions must not send the wrong signals to freedom-loving people around the world. The United States has always been a beacon of hope to those struggling for fundamental human rights. For years, we have fought for the right of Soviet citizens to emigrate. Time and again, our leaders have insisted that Soviet barriers to emigration are a major obstacle to improved relations between our two countries.

Now, when our efforts have begun to bear fruit and the Soviet Union has begun to grant thousands of citizens long-awaited exit visas, we cannot be the cause of delaying these refugees' journey to freedom any longer.

Finally, as we begin to work on the budget for FY 1990, we hope that we will project next year's refugee flow with as much accuracy as is possible in this changing area so that we do not find ourselves in this very difficult position a year from now. While this may mean increases in funding, and a readiness on the part of all involved federal agencies to share the financial burden, it is better to budget realistically in the beginning than have to try to find additional funds late in the year.

We appreciate your cooperation on this most urgent matter, and look forward to hearing from you as soon as possible. We

also look forward to meeting with representatives of your Administration to discuss our suggestions.

Sincerely,

Charles E. Grassley, Rudy Boschwitz, Frank R. Lautenberg, Alan J. Dixon, Bob Kasten, Carl Levin, Patrick J. Leahy, Herbert Kohl, Wyche Fowler, Jr., Spark M. Matsunaga, Ted Stevens, Alfonse M. D'Amato, Alan Cranston, Daniel K. Inouye, Quentin N. Burdick, Jeff Bingaman, Christopher J. Dodd, Mitch McConnell, Wendell H. Ford, Howard M. Metzenbaum.

Joseph Lieberman, Conrad Burns, Richard Bryan, Albert Gore, Jr., Brock Adams, Tom Daschle, Paul S. Sarbanes, Harry Reid, J. Bennett Johnston, Bill Bradley, Dan Coats, Tom Harkin, Bob Graham, Barbara A. Mikulski, Timothy E. Wirth, John McCain, Pete Wilson, Claiborne Pell, Larry Pressler, Arlen Specter.

Dave Durenberger, Kent Conrad, John C. Danforth, Paul Simon, John F. Kerry, Christopher S. Bond, John Heinz, Bob Kerrey, John Glenn, Connie Mack, Ernest F. Hollings, Orrin G. Hatch, Joseph R. Biden, Jr. ●

● Mr. KASTEN. Mr. President, we must do something about the emergency which has resulted from an increased flow of Soviet refugees, and from the shortage of funds for programs designed to help those refugees.

The legislation which I am introducing today with Senators KENNEDY, LEAHY, and others is one answer to this problem. This proposal provides necessary funding for the increased number of refugees both in the Domestic Resettlement Program and for the international part of the program. We recommend that funding for the program be secured by transfer from funds which have heretofore been made available for State legalization impact assistance grants—funding which the administration has recommended for rescission.

Mr. President, my colleagues and I, while anxious to solve this problem as quickly as possible, are open to any suggestions which Members or the administration may have about how to proceed. I emphasize this point because there are some who may have specific concerns with respect to the State legalization impact assistance grants. If there are better sources of funding, we welcome suggestions in that vein—however, I believe all of us agree that something must be done, and soon, to relieve the pressure created by this dramatic increase in Soviet refugees.

Mr. President, even with the adoption of this legislation, there remains much to be done in this arena. Senator LEAHY and I, as the chairman and ranking member of the Foreign Operations Appropriations Subcommittee are looking at a fiscal year 1990 budget request for these programs. We believe there will be between a \$100 million and \$150 million shortage of the funds needed to adequately take care of Indochinese, Soviet, and other refu-

gees, as well as assistance programs under those accounts.

Mr. President, I want to compliment Senators KENNEDY and LEAHY for their continuing leadership on this issue and I look forward to working with them on this and related matters in the future. It is our hope that our colleagues will join us in this effort by co-sponsoring this legislation. ●

● Mr. LEAHY. Mr. President, I am pleased to join my distinguished colleagues, Senators KENNEDY and KASTEN in offering this bill to relieve a growing human tragedy in Rome. Unprecedented numbers of Soviet refugees are arriving for processing and resettlement, and we face a serious funding shortfall in helping them move on to their new homes. This bill will require the executive branch to use up to \$150 million in unexpended funds appropriated to States for immigration assistance under the authorization of the Immigration Reform and Control Act. Without this legislation, the administration proposes to seek a rescission of those unexpended funds.

I would point out, Mr. President, that this measure, urgent as it is, is only a short term solution. After many years of demands by United States administrations, Republican and Democratic, that the Soviet Union allow freedom of emigration, refugees are being allowed to leave the Soviet Union in numbers far exceeding what anyone anticipated a year ago. I have heard estimates that we could see as many as 40,000 or more in fiscal 1990. However, the administration's foreign operations budget request for the coming fiscal year seeks a funding level of \$371 million, sufficient only to process and resettle 25,000 Soviet refugees, within an overall total of 84,000 for refugees worldwide.

This request is totally inadequate to the needs. It may be as much as \$100 to \$150 million too low. I look forward to working with my good friend and ranking member of the Foreign Operations Subcommittee, Senator KASTEN, in finding solutions to this shortfall.

I applaud the intention of the distinguished chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs to seek an emergency consultation with the administration on how to find sufficient immigration admission numbers to deal with this growing backlog. Several of us have written the administration urging such a consultation.

I urge all Senators to join us in support of this measure. ●

By Mr. LAUTENBERG:

S. 490. A bill to amend the Occupational Safety and Health Act of 1977 to increase the civil penalties imposed for certain violations of such act, and for other purposes; to the Committee on Labor and Human Resources.

INCREASING CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the OSHA Civil Penalty Inflation Adjustment Act of 1989, to increase the maximum authorized civil penalties under the Occupational Safety and Health Act to account for inflation.

Mr. President, the Occupational Safety and Health Act [OSHA] was enacted in 1970 to assure safe and healthful working conditions for all working Americans. Yet since the OSHA was enacted, more than 100,000 workers have lost their lives because of unsafe working conditions. Each year, an estimated 7,000 to 11,000 more are killed on the job. Thousands of others die from the long-term effects of occupational illnesses.

The OSHA gives the Occupational Safety and Health Administration [OSHA] broad authority to establish health and safety standards. Under the law, OSHA is responsible for inspecting worksites and identifying unsafe practices and equipment. Those who violate OSHA safety and health standards may be prosecuted criminally, or they may be assessed civil penalties.

The sanction of criminal prosecution, in practice, has apparently been an inadequate tool for protecting worker safety. A 1988 report by the House Committee on Government Operations found that since OSHA was created in 1970, there have been a mere 14 criminal prosecutions under the act and only 10 convictions. No one has ever spent a day in jail for violating OSHA. Not surprisingly, the committee concluded that—

The criminal penalty provisions of the OSHA, as presently written and as enforced by OSHA, provides (sic) no deterrent to employers violating the statute.

The failure of criminal sanctions to deter violators highlights the importance of the other available sanction—civil penalties—in protecting worker safety. Unlike criminal sanctions, OSHA can directly assess civil penalties without having to rely on the Department of Justice, whose prosecutorial resources are severely strained.

Civil penalties have the potential to provide a significant deterrent to those who would violate worker safety and health standards. However, their effectiveness as a deterrent has been severely limited because inflation has dramatically reduced their real value.

In 1970, when OSHA was enacted, the Consumer Price Index was at 38.8. By December 1988, that figure had increased to 120.5. That's an increase of over 210 percent. As a result, the existing civil penalties are worth less than one-third of their original value.

This bill would increase all OSHA civil penalties to account for inflation

since they were originally enacted. Currently, violators are subject to penalties of up to \$1,000 per violation, or up to \$10,000 for each "willful or repeated" violation. Under this bill, the \$1,000 maximum would be increased to \$3,000 and the \$10,000 maximum would be increased to \$30,000.

In addition, the bill establishes a mechanism for periodically increasing the level of OSHA civil penalties to account for inflation. Every 5 years the Secretary of Labor would revise the maximum allowable level of penalties to account for price increases—as measured by the Consumer Price Index—over the previous 5-year period. The adjusted penalty maximums would be published in the Federal Register at least 30 days prior to their effective date.

Mr. President, maintaining the deterrent effect of OSHA penalties is important to protect worker safety. But it is also important to protect honest, law-abiding businesses.

The fact is, meeting OSHA's requirements for a safe workplace often involves a substantial investment. And honest businesses are making that investment. Sometimes, though, their competitors aren't. And with weak sanctions, they're getting away with it.

Mr. President, as a society, we have an obligation to the honest business. An obligation to make sure that its competitors can't exploit weakened sanctions to gain an unfair competitive advantage. This bill will help us meet that obligation.

Mr. President, indexing OSHA penalties will provide another important benefit: it will help reduce the budget deficit. The Congressional Budget Office has estimated that the proposed increases could produce as much as \$20 million annually in additional revenue.

Some may argue that indexing put the level of worker safety sanctions on automatic pilot. Yet this misses the key point—penalties are already on automatic pilot—an arbitrary, unpredictable pilot called inflation. This bill will take policy off this unstable automatic pilot and keep it on the course set by Congress.

Congress has enough to do without having to repeatedly reaffirm existing policy and maintain the value of penalties. Each year we struggle to adopt a budget and pass the necessary appropriations bills. Also, even if legislation to adjust penalties reaches the Senate or House floor, a small minority in the Congress—or the President—can effectively block legislation. It thus makes sense to ensure the maintenance of penalty values without the need for repeated congressional action.

The fact that OSHA penalty values have been allowed to deteriorate so substantially reflects a general governmentwide problem. We in Congress

like to talk tough when we set penalties for violating laws. But all too often, once we enact penalties, we forget about them. They get lost in the thick volumes of the United States Code, never to be seen or heard from again.

Many of these penalties are designed to meet important public needs: To keep our air and water clean, our children protected from dangerous products, our transportation systems safe. The problem is that as these penalties sit on the shelf, inflation dramatically erodes their deterrent effect.

It simply doesn't make sense that consumers must pay higher prices for everything from food to health care—but those who break the law do not.

I will be introducing separate legislation, as I have in the past, to establish a mechanism under which all penalties could be raised periodically to account for inflation. My bill, the Federal Civil Penalty Inflation Adjustment Act, would require the President to provide Congress every 5 years with a list of all civil penalties and the levels to which they should be increased for inflation. The bill was the subject of hearings last February, at which time then Deputy OMB Director Joseph Wright called it "a good piece of legislation that should be passed." The AFL-CIO's Building and Construction Trades Department and several consumer and environmental groups also expressed support for the bill.

The Civil Penalty Inflation Adjustment Act establishes a reporting mechanism; it does not raise penalty levels. However, rather than waiting for the comprehensive list of penalty adjustments that the proposal would require, I believe Congress should act promptly to increase particularly important civil penalties, such as those that protect worker safety.

Mr. President, the OSHA Civil Penalty Inflation Adjustment Act of 1989 would bring OSHA penalties up to date and strengthen protections for our Nation's workers. It also would keep those protections strong in the future. If enacted, many lives would be saved—and many families would be spared needless grief and hardship.

I urge my colleagues to support the bill and ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL PENALTIES FOR VIOLATION OF OSHA.

Section 17 of the Occupational Health and Safety Act of 1977 (29 U.S.C. 666) is amended—

(1) by striking out "\$10,000" in subsection (a) and inserting in lieu thereof "\$30,000 (as

adjusted in accordance with subsection (m))";

(2) by striking out "\$1,000" each place it appears in subsections (b), (c), (d), and (i) and inserting in lieu thereof "\$3,000 (as adjusted in accordance with subsection (m))"; and

(3) by adding at the end thereof the following new subsection:

"(m)(1) The authorized fines provided in subsections (a), (b), (c), (d), and (i) shall be adjusted for inflation every 5 years provided in this subsection.

"(2) Not later than December 1, 1993, and December 1 of each fifth calendar year thereafter, the Secretary shall prescribe and publish in the Federal Register a schedule of maximum authorized fines that shall apply for violations that occur after January 1 of the year immediately following such publication.

"(3) The schedule of maximum authorized fines shall be prescribed by increasing the amounts in each of the subsections referred to in paragraph (1) by the cost-of-living adjustment for the preceding 5 years. Any increase determined under the preceding sentence shall be rounded to—

"(A) in the case of penalties greater than \$1,000 but less than or equal to \$10,000, the nearest multiple of \$1,000;

"(B) in the case of penalties greater than \$10,000 but less than or equal to \$100,000, the nearest multiple of \$5,000;

"(C) in the case of penalties greater than \$100,000 but less than or equal to \$200,000, the nearest multiple of \$10,000;

"(D) in the case of penalties greater than \$200,000, the nearest multiple of \$25,000;

"(4) For purposes of this subsection:

"(A) The term 'Consumer Price Index' means the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(B) The term 'cost-of-living adjustment for the preceding 5 years' means the percentage by which—

"(i) the Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

"(ii) the Consumer Price Index for the month of June preceding the date on which the maximum authorized fine was last adjusted."

By Mr. CRANSTON:

S.J. Res. 69. Joint resolution designating, April 8, 1989, as "Chief Justice Earl Warren Day"; to the Committee on the Judiciary.

CHIEF JUSTICE EARL WARREN DAY

Mr. CRANSTON. Mr. President, today I am introducing a resolution that would proclaim April 8, 1989, as "Chief Justice Earl Warren Day." This year marks the 20th anniversary of Chief Justice Warren's retirement from the Supreme Court, and it seems appropriate that we should take this opportunity to recognize the special contributions which he has made to our country.

Chief Justice Warren was clearly one of the outstanding public servants of the 20th century. He began his remarkable career as a deputy city attorney for the city of Oakland, and ended his days in California as Governor. However, it was not until President Dwight Eisenhower tapped Earl

Warren for Chief Justice of the Supreme Court that his real impact on the entire Nation was felt.

Under his leadership, the Warren Court set the United States on a new course of racial equality. Chief Justice Warren and his colleagues presided over the most dramatic and important civil rights cases this country has ever known. Warren's commitment to equal rights was firmly set in his decision of *Brown versus Board of Education*. It was Earl Warren and his Court that ended legal discrimination in America. Warren was also the primary force in protecting the rights of the accused. In the case of *Miranda versus Arizona*, the Court ruled that individuals were innocent until proven guilty and that they deserved the same rights as all other citizens.

On April 8 and 9, 1989, many distinguished members of the public and private sectors will be meeting in San Francisco to honor Earl Warren on the 20th anniversary of his retirement from the Supreme Court. This commemorative weekend will include a dinner where the first public screening of the PBS documentary, "Superchief: The Life and Legacy of Earl Warren" will be shown. Also, a symposium on the legacy of the Warren Court will be held to debate the merits of the man and his Court.

Mr. President, I believe that we too should participate in this event by passing this resolution which I am introducing today. It's clear that Chief Justice Warren has made a significant contribution to our country by his service on the Court as well as in public office. This resolution I am introducing today is our statement of gratitude to Chief Justice Warren, and I urge my colleagues to support it. Identical legislation is being introduced in the House of Representatives today by Congressmen MATSUI and LOWERY.

Mr. President I ask that the text of the resolution be printed in the RECORD.

There being no objection, the Joint Resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 69

Whereas Chief Justice Earl Warren was a dedicated servant to the public for over 50 years;

Whereas Chief Justice Warren extended the principles of the Bill of Rights to every United States citizen;

Whereas Chief Justice Warren strove for equality for the poor and underprivileged;

Whereas Chief Justice Warren embodied the pursuit for equal rights for all United States citizens regardless of race, color, or creed;

Whereas Chief Justice Warren fought for the promise of an equal voice in government for all United States citizens;

Whereas Chief Justice Warren worked for the guarantee of a fair trial; and

Whereas Chief Justice Warren committed himself to these ideals and began a new era

of true equal justice under the law: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled: That April 8, 1989, is designated as "Chief Justice Earl Warren Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 14, a bill to provide for a grant program to assist eligible consortia in providing services to individuals with acquired immunodeficiency syndrome or AIDS-related complex.

S. 20

At the request of Mr. LEVIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 20, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

SENATE JOINT RESOLUTION 16

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 27, a bill to establish a federally sponsored program for the restoration, conservation, and management of Onondaga Lake in Onondaga County, NY, and to provide for the sharing of costs of such clean up, and for other purposes.

S. 38

At the request of Mr. WILSON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 134

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 167

At the request of Mr. HARKIN, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 167, a bill to amend the Fair Labor Standards Act of 1938 to increase the tip credit, and for other purposes.

S. 172

At the request of Mr. PRESSLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 172, a bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains conservation program.

S. 251

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 251, a bill to make a comprehensive investigation into potential changes to the global environment and climate, and for other purposes.

S. 302

At the request of Mr. PRYOR, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 302, a bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service, and for other purposes.

S. 350

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 350, a bill to repeal section 89 of the Internal Revenue Code of 1986 (relating to rules for coverage and benefits under certain employee benefit plans).

S. 363

At the request of Mr. BOND, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 363, a bill to amend title 18 of the United States Code, to stiffen the penalties for bank fraud.

S. 369

At the request of Mr. BOSCHWITZ, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 369, a bill to seek the eradication of the worst aspects of poverty in developing countries by the year 2000.

S. 376

At the request of Mr. GORE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 376, a bill to amend the Airport and Airway Improvement Act of 1982 to provide that certain noise control costs are included as allowable project costs.

S. 391

At the request of Mr. JOHNSTON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 391, a bill to reform the budget process.

S. 395

At the request of Mr. HARKIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 395, a bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes.

S. 450

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 450, a bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit on the basis of family size, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the month of November 1989 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 25

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 25, a joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. CONRAD], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Res-

olution 15, a concurrent resolution concerning peace and famine relief in Sudan.

SENATE RESOLUTION 24

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 24, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLUTION 16—RELATING TO THE RELEASE OF POLITICAL PRISONERS BY THE GOVERNMENT OF VIETNAM

Mr. BOSCHWITZ submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas, fourteen years have passed since the end of the Vietnam conflict;

Whereas, despite the release of some political prisoners over the past year, many remain imprisoned in Vietnamese reeducation camps, and thousands of families do not know the fate of their loved ones;

Whereas, the Socialist Republic of Vietnam has signed an agreement with the United Nations High Commissioner for Refugees to assist in the reunification of families;

Whereas, despite General Secretary Nguyen Van Linh's public assertion that released prisoners who wish to leave Vietnam would be free to do so, only very few have been allowed to leave;

Whereas, the United States has made it clear that it is willing to accept these prisoners; and

Whereas, the Vietnamese Foreign Minister Nguyen Co Thach has previously accepted a United States proposal to discuss this resettlement of Vietnamese released from reeducation camps: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of Vietnam—

(1) to make public the names of all political prisoners held in reeducation camps;

(2) to release immediately all political prisoners still held;

(3) to honor its commitment to allow the emigration of all political prisoners; and

(4) to implement resettlement of political prisoners promptly and efficiently by establishing a special program for processing the cases of those released from reeducation camps as was done in the case of the American children.

SENATE RESOLUTION 73—RELATIVE TO AVAILABILITY OF FUNDS FOR STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 73

Resolved, That it is the sense of the Senate that—

(1) funds appropriated by section 204(a)(1) of the Immigration Reform and Control Act of 1986 (relating to State Legalization Impact Assistance Grants) should not be rescinded or deferred; and

(2) every effort should be made to improve the efficiency and accessibility of such funds to assist State and local governments in their efforts on behalf of newly legalized aliens.

● Mr. KENNEDY. Mr. President, I am introducing today a resolution which is a brief beginning to what I believe will be an important initiative to help State and local communities cope with the impact of immigration.

This resolution opposes the administration's decision to rescind funds made available to States in the Immigration Reform and Control Act of 1986—the so-called State Legalization Impact Assistance Grant [SLIAG] Program. The President's budget recommends a \$600 million reduction in this program over the next 2 fiscal years.

This grant program was an important element of the 1986 act. It was designed to assist States and localities over a 4-year period with expenses incurred as a result of the recent immigration "amnesty" program.

Mr. President, it is my intention to use the resolution as a starting point for considering any adjustments which may be advisable in the SLIAG Program. We developed the program as part of the 1986 act with little concept of precisely who would be legalized and how many. Now that the amnesty doors are closed and all the applications are in, we have a better sense of the kinds of activities that should be supported under the SLIAG Program.

As chairman of the Subcommittee on Immigration and Refugee Affairs, I will be exercising our oversight responsibilities over the coming weeks to examine this and other aspects of the 1986 act. There are a number of issues for the subcommittee to pursue, and it is my hope to complete this process soon.

In the meantime, this resolution is a starting point. Much of substance on the use of these funds will likely be added in the days ahead. But I believe it is important to get the process going. ●

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging, in conjunction with the Subcommittee on Long-Term Care, and the Subcommittee on Housing and Consumer Interests of the House Select Committee on Aging, has scheduled a joint hearing to receive testimony on residential board and care facilities.

The hearing will take place on Thursday, March 9, 1989, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director of the Senate Special Committee on Aging at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, March 1, 1989, at 10 a.m. to continue its oversight hearings on the problems of the Federal Savings and Loan Insurance Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Edward J. Derwinski to be Administrator of Veterans' Affairs/Secretary of Veterans' Affairs on Wednesday, March 1, 1989, at 1:30 p.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate at 9:30 a.m., March 1, 1989, to hold a business meeting, pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 1, 1989, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 1, at 9:30 a.m., to hold a hearing on chemical and biological weapons proliferation: The nature and extent of the threat, with CIA Director Webster.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet in a closed meeting during the session of the Senate on Wednesday, March 1, at 2 p.m., to hold a briefing on chemical and biological

weapons proliferation: The nature and extent of the threat.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 1, 1989, at 9 a.m., to hold a hearing on the Federal Communications Commission's proposal to replace rate of return regulation with the price cap approach.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 1, 1989, at 10 a.m., to hold a hearing on the nomination of William J. Bennett to be the Director of the National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LIMIT THE USE OF BROKERED DEPOSITS

● Mr. MURKOWSKI. Mr. President, on February 9, 1989, I introduced S. 398, a bill to limit the use of federally insured brokered deposits by financially troubled banks and savings and loan institutions. As I stated then, the use of brokered deposits, which are federally insured certificates of deposit that are marketed nationwide by financial institutions through the use of a broker, has greatly contributed to the severity of this Nation's deposit insurance crisis. Brokered deposits, when used by financially unsound institutions, drain the FSLIC and FDIC insurance funds, inflate banking costs, and encourage funds to flow to poorly managed institutions.

Mr. President, it pleases me to see that Chairman Seidman of the FDIC, in testimony yesterday before the Senate Banking Committee, recognized the need to curb the use of brokered deposits. Chairman Seidman undoubtedly recognizes that troubled institutions frequently take excessive risks with their use of brokered deposits and leave the taxpayers to suffer the consequences.

In fact, Mr. President, an article in today's Wall Street Journal vividly highlights the excesses of brokered deposits. The article states that of the eight thrifts currently paying the highest rates on 6 months, \$100,000 certificates of deposit, seven carry the lowest thrift-quality ranking.

Mr. President, I ask that the entire article be printed in the RECORD and that this body join me in putting an end to the reckless use of brokered deposits.

The article follows:

[From the Wall Street Journal]

LIMITS PLANNED ON BROKERED DEPOSITS' USE FDIC'S CHIEF, CRITICS CITE SUCH DEPOSITS IN BANKS THAT FAIL AND S&L CRISIS

(By Paulette Thomas)

WASHINGTON.—Banks are likely to see new limits placed on the use of brokered deposits—huge deposits that gravitate toward premiums in market interest rates—said William Seidman, chairman of the Federal Deposit Insurance Corp.

Industry experts have criticized the use of brokered deposits for contributing to the chaos in the savings and loan industry. Some institutions use them to expand their deposit base exponentially in a matter of months, and then invest in risky, high yielding ventures to fund the interest on the \$100,000 blocks of government-insured deposits.

In the past, brokered deposits have also been a serious problem for banks. "In banks that failed we discovered big levels of brokered deposits," an FDIC spokesman said.

Mr. Seidman, during questioning before the Senate Banking Committee, said he expects interest rates paid by banks and thrifts to continue climbing, because they are rising generally. But he said the FDIC will propose a rule to require banks that plan to expand their deposit base through the high-rate brokered deposits to notify the FDIC in advance for approval.

Banks must currently report their level of brokered deposits, if they exceed 5% of deposits, the FDIC spokesman said.

The competition for the deposits, brokered by institutions such as Merrill Lynch & Co. and Charles Schwab & Co., continues to drive up rates, particularly for weak institutions seeking liquidity. Of the eight thrifts paying the highest rates on six-month, \$100,000 certificates of deposit, seven carry the lowest thrift-quality ranking, according to 100 Highest Yields, a weekly newsletter monitoring interest rates paid by financial institutions.

The Bush administration savings-and-loan overhaul plan being considered in Congress would also give the FDIC the authority to restrict brokered deposits in thrifts, Mr. Seidman said, because the FDIC would administer the thrift insurance fund.

An announcement yesterday by Mr. Seidman's FDIC and the thrifts' Federal Savings and Loan Insurance Corp. illustrated that brokered deposits can be abused. The agencies said they received a \$10.4 million settlement in a lawsuit against former New York money broker Mario Renda, who testified before Congress as an expert witness in 1984 about money brokerage. Under the settlement, Mr. Renda, his wife and 14 corporations they controlled admitted to defrauding banks and pension funds.

Aside from the \$10.4 million civil settlement, much of it in real estate holdings, Mr. Renda also agreed to a \$9.9 million judgment as restitution to the FDIC in criminal proceedings, the agencies said. Mr. Renda couldn't be reached for comment.

Mr. Seidman also recommended three specific changes in the administration plan, while also urging Congress to approve it as quickly as possible. Mr. Seidman singled out, for example, the bill's provision to

allow the president to appoint and remove the chairman and vice chairman of the new FDIC. The FDIC "could be controlled by the administration," he said, and become subject to political winds. Currently, the FDIC board elects the chairman, and there is no vice chairman.

He also said specific limits should be imposed on the amount of debt and other obligations the FDIC could issue. Mr. Seidman proposed a \$7 billion limit, and a restriction against committing to more than it had resources to pay. The FDIC has about \$6 billion in obligations. He also said quarterly FDIC reports should be issued only to the Treasury, instead of other agencies as well, to ease paperwork requirements.

ARCTIC COASTAL PLAIN PUBLIC LANDS LEASING ACT OF 1989

● Mr. MURKOWSKI. Mr. President, yesterday, Senator STEVENS and I introduced the Arctic Coastal Plain Public Lands Leasing Act of 1989.

AUTHORIZES ENVIRONMENTALLY COMPATIBLE LEASING OF COASTAL PLAIN

The purpose of the bill is reflected in its title. It authorizes the Secretary of the Interior to competitively lease the public lands on the coastal plain of the Arctic National Wildlife Refuge for environmentally sound oil and gas exploration, development and production.

ANWR IS LARGE—19 MILLION ACRES—SIZE OF SOUTH CAROLINA

Mr. President, for those Members who may have forgotten, the Arctic National Wildlife Refuge—ANWR—is located in the extreme northeast corner of my home State of Alaska. It is the Nation's second largest wildlife refuge: Comprised of some 19 million acres; 17 million acres of the refuge lie in the east portion of the Brooks Mountain Range. The remaining 2 million acres lie on the coastal plain—between the north face of the Brooks Range and the Beaufort Sea.

EIGHT MILLION ACRES OF WILDERNESS

Nearly 45 percent of the refuge—8 million acres—has been designated by Congress as wilderness. There are more than 7.5 million acres of wilderness in the mountains and nearly 500,000 acres in the coastal plain.

ONE AND A HALF MILLION ACRES NOT IN WILDERNESS TO BE LEASED

The only area subject to leasing by our legislation is the 1.5 million acres of the coastal plain that is not in wilderness. The remaining 17.5 million acres of the refuge would be off-limits to leasing.

IDENTICAL TO S. 1217 INTRODUCED BY SENATOR STEVENS AND ME LAST YEAR

The legislation we are introducing today is identical to S. 1217, the ANWR leasing bill introduced by Senator STEVENS and me last year and the foundation for S. 2214, the ANWR leasing bill reported favorably by the Energy and Natural Resources Committee in the 100th Congress. S. 2214 was developed after nine comprehen-

sive hearings and numerous markup sessions.

The Parliamentarian has advised that a bill similar to S. 2214 would be referred to the Environment and Public Works Committee. Although I have great respect for my colleagues on that committee, I want to take full advantage of the knowledge gained through the Energy Committee hearing process last Congress. I am confident that the Energy Committee, with its collective wisdom and experience on this issue, will favorably report an ANWR leasing bill that encourages environmentally sound development, just as they did last year.

Since S. 1217 was referred to the Committee on Energy and Natural Resources last Congress, the bill we are introducing today will also be referred to the Energy Committee.

ANWR LEASING HAS BEEN DEBATED FOR 15 YEARS

The issue of leasing the coastal plain of ANWR has been debated for more than 15 years. It was a major issue during the years of congressional debate preceding passage of the Alaska National Interest Lands Conservation Act [ANILCA]. Volumes of data on the pros and cons of oil and gas leasing were researched, written, presented, and studied during those years. The result? A compromise directing the Department of the Interior to study the issue for another 5 to 10 years.

The Department carried out its mandate for additional study and, 8 years after ANILCA was enacted, recommended to the Congress that oil and gas leasing be authorized on the coastal plain.

TIME IS RIGHT TO AUTHORIZE LEASING

Mr. President, the truth is, we have studied and debated this issue long enough. It is now time to make the decision. It is time to authorize environmentally compatible leasing in the most promising oil and gas prospect in North America.

LEASING OPPONENTS HAVE BEEN WRONG BEFORE

Those opposed to environmentally sound leasing of the coastal plain belong to the same groups that, 15 to 20 years ago, predicted dire environmental consequences if the Trans-Alaska pipeline were constructed. Yet Congress, by 1 vote in the Senate, decided to expeditiously move forward on that project. Today, TAPS carries 2 million barrels of crude oil per day—one-quarter of our domestic production from the North Slope of Alaska to Tidewater where it is loaded on tankers bound for the Continental United States. It has transported nearly 6 billion barrels of crude oil over the last 12 years. And, the predicted dire environmental disasters have not occurred.

One should ask, Mr. President, what our energy security situation would be today, if TAPS had not been constructed?

ENDICOTT SHOWS ABILITY FOR ENVIRONMENTALLY SOUND DEVELOPMENT

In deciding this issue, we do not need to limit ourselves to estimating the probable impacts of oil and gas leasing in ANWR. We have a real life demonstration next door to ANWR at Prudhoe Bay that we can learn from. Last February the Endicott Field at Prudhoe Bay came on line as the ninth largest oil field in the United States. That field produces more than 100,000 barrels of crude oil per day from two islands with a total surface of 55 acres.

FULL DEVELOPMENT OF ANWR NO LARGER THAN DULLES AIRPORT

Mr. President, under current technology, if the entire 1½ million acres of the coastal plain were brought into full production—a highly unlikely event—the total area directly impacted by roads, pipelines, and facilities would be less than 12,500 acres. To put this in perspective, the entire refuge is four-fifths the size of the State of Virginia. The Dulles International Airport complex covers more than 10,000 acres of Virginia countryside. Envision Dulles Airport as the only presence of man in the eastern 80 percent of Virginia and you can begin to appreciate the minimal impact full leasing would have on ANWR.

LEASING ANWR MUST BE PART OF ANY NATIONAL ENERGY POLICY

We are also told that we ought to enact a national energy policy before deciding to lease ANWR. The opponents of leasing in ANWR claim that such a policy would demonstrate that the potential oil and gas reserves of ANWR are not needed; that we can achieve the same amount of energy through other means, such as conservation.

NO ENERGY POLICY CAN IGNORE FUTURE NEED FOR OIL AND GAS RESOURCES

Mr. President, I have in the past and will continue to support the efforts to require and encourage conservation and the use of alternative energies in America. I also, however, support the environmentally sound development of our domestic oil and gas reserves. I am not robbing Peter to pay Paul, I am supporting a balanced energy policy for our country. As unsavory as it may seem to the environmental organizations, we are a nation dependent on petroleum products. We are trying to change that; but until we do, we need oil and we must make realistic choices now to provide it in the future for the sake of our economic well-being and our national security.

OIL IMPORTS NOW EXCEED DOMESTIC PRODUCTION; EXCEED 50 PERCENT OF CONSUMPTION

In December 1988, for the first time in history, the amount of oil we imported exceeded 50 percent of the amount of oil consumed in the United States. If we refuse to provide supplies of oil from domestic sources, we will be

forced to depend upon foreign sources for greater and greater amounts of petroleum—perhaps as much as 60 percent by the mid-1990's.

ANWR MAY OFFSET EXCESSIVE RELIANCE ON IMPORTED OIL

It is inconceivable that we would eliminate the most promising oil and gas prospect in North America as an option before we even know the extent of its reserves.

ANWR DECISION CONCERNS APPROPRIATE USE OF PUBLIC LANDS

The real issue in the ANWR debate is not about energy policy. Any rational energy policy would encourage the sound exploration and production of ANWR. Nor is the issue about impact on the environment. Our experience at Prudhoe Bay, Endicott and TAP's has laid that issue to rest.

Mr. President, the real issue is whether this 1½ million acres of public lands should be opened for true multiple use, including environmentally sensitive development of potential oil and gas resources; or whether we should declare this area wilderness and prohibit any utilization of its hydrocarbon resources.

When you add up the 15 years of study and debate, the experience of Prudhoe Bay, the ever increasing rate of oil imports, and the 10- to 15-year leadtime to bring an arctic oil field into production, you can reach no other conclusion. Now is the time to authorize oil and gas leasing in the coastal plain of ANWR.

PRESIDENT BUSH SUPPORTS ENVIRONMENTALLY SOUND LEASING IN ANWR

President Bush has examined the merits of oil and gas leasing on the coastal plain of ANWR and has concluded that it is in our national interest to proceed with environmentally sensitive exploration and development of this area. I am confident that most of my colleagues will reach the same conclusion as the Senate debates this issue in the 101st Congress.●

THE EXPANDED CHILD CARE OPPORTUNITIES ACT OF 1989

● Mr. D'AMATO. Mr. President, I am pleased to join Senator PACKWOOD, Senator MOYNIHAN, and others in sponsoring the Expanded Child Care Opportunities Act, S. 412.

Many Members of the Senate share a commitment to easing the child care crisis affecting millions of American families. Senator HATCH and Senator DODD have also introduced child care bills—the Family Earned Income Tax Credit Act and the Act for Better Child Care Services. I was pleased to join them in cosponsoring these bills.

With so much dedication and so many creative ideas, I am confident that the Senate will be able to reach a compromise on how to address the child care dilemma.

The Expanded Child Care Opportunities Act offers some excellent ways to assist low- and middle-income families. Increasing the existing child care tax credit would give parents direct financial assistance. This would also allow parents flexibility in selecting care for their children. Increasing social service block grants to the States to improve and expand child care services is also a good approach. This would allow each State to respond to its individual needs.

I support the worthy goal of effective child care legislation. There is perhaps no greater priority than the very important investment we make in the care and education of our children.

I look forward to working with Senators PACKWOOD and MOYNIHAN and others on the Labor and Finance Committees on child care legislation during the 101st Congress.●

THE FAMILY EARNED INCOME TAX CREDIT ACT

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Senator HATCH, Senator DODD, and others in cosponsoring S. 450, the Family Earned Income Tax Credit Act of 1989.

Senators HATCH and DODD established themselves as leaders on the child care issue in the 100th Congress. Both Senators offered an approach to easing the emerging child care crisis facing so many American families. Last year time ran out before the Senate was able to reach a compromise on the issue.

A bipartisan commitment to devising effective child care legislation is evident this year. I have joined Senator HATCH and others in cosponsoring Senator DODD's act for better child care services. During the 101st Congress, I am confident that the Senate will be able to craft a legislative solution to the child care dilemma. We must keep in mind that fewer than 10 percent of families are what was once considered the "typical American family," with the mother staying at home and the father working.

In the Family Earned Income Tax Credit Act, Senator HATCH offers an excellent approach to assisting low and middle income families with child care expenses. I look forward to working with Senator HATCH, Senator DODD, and other members of the Labor and Finance Committees on child care legislation.

The goal of effective child care legislation is a worthy one. Our Nation's children will come of age in the 21st century. Our investment in their care and education is an investment in our Nation's future.●

LEGISLATION TO CHANGE FREDDIE MAC'S BOARD

● Mr. D'AMATO. Mr. President, I rise today in support of legislation which promotes a fundamental value of this Nation—home ownership. As ranking member of the Housing Subcommittee, I am pleased to join the chairman of this subcommittee, Senator CRANSTON, in preserving the integrity and soundness of the Federal Home Loan Mortgage Corporation [Freddie Mac].

In the broad discussion about the FSLIC crisis, a number of proposals are being discussed which alter the Federal Home Loan Bank Board. Although I support the efforts of the Bank Board and the Treasury to resolve this issue, I am also concerned about the impact that they will have on the governing of Freddie Mac.

Currently, the Directors of the Federal Home Loan Bank Board are the Board of Directors of Freddie Mac. If the Bank Board is eliminated or adjusted, the Board of Directors of Freddie Mac may be affected. Because the market has shown that Freddie Mac and Fannie Mae are invaluable tools for providing efficient mortgage financing, I want to be sure that the management of Freddie Mac is not adversely affected in the process of making adjustments for the FSLIC crisis.

The Board of Directors of Freddie Mac must continue to enhance the housing mission that was initially given to Freddie Mac. A Board adversely affecting this purpose may undermine the management and the stock value of the Freddie Mac Corporation. Ultimately, the home buyer will pay if we steer Freddie Mac off course.

As many of my colleagues know, I initiated a move to lift the restrictions on the Freddie Mac preferred stock in June 1988. Since that time, the stock has over tripled in value. The stock has been trading without restrictions since January. The lifting of restrictions accomplished two purposes: It provided a needed boost within the industry, and it broadened the ownership of the Freddie Mac stock. Currently, only 25 percent of the stock is held by savings institutions.

The broader ownership and increasing value of the stock are clear indications that the market believes in the effectiveness of Freddie Mac in providing an efficient source of mortgage financing. In establishing a Board of Directors for Freddie Mac, we must send a signal to the market that builds on this faith and trust.

The legislation that Senator CRANSTON and I are introducing today will enhance the mission of Freddie Mac, building on the healthy competition which exists between Freddie Mac and Fannie Mae. This competition has been a key factor in the development

of an efficient mortgage financing system.

Specifically, our legislation establishes a new Board of Directors for Freddie Mac. This new Board will look identical to that of Fannie Mae. The Board will contain 18 members. Five of these members will be appointed by the President. This structure, first, puts Freddie Mac and Fannie Mae on the exact same par for competing; and second, sends a signal to the market that Freddie Mac's mission will continue to be one of providing sound mortgage financing to home buyers around the Nation.

In the interim, our legislation establishes a transition Board of Directors. This Board consists of the Chairman of the Federal Home Loan Bank Board, the Secretary of Housing and Urban Development, and the President of the Federal Home Loan Mortgage Corporation.

Freddie Mac has proven to be an integral part of a mortgage financing system that ensures that the lowest cost mortgage credit is always accessible to America's home buyers. I am pleased to work with Senator CRANSTON to ensure that this institution continues its mission, enhancing affordable housing opportunities for citizens across the country.●

ONONDAGA LAKE RESTORATION ACT, S. 27

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 27, the Onondaga Lake Restoration Act.

Onondaga Lake is a 4.5-square-mile lake located in Syracuse. It has been claimed that the lake is the most polluted inland body of water in the United States. It got that way after decades of abuse as untreated sewage was discharged on a regular basis into the lake. Pollution in the lake is so bad that fish containing mercury have been declared by the U.S. Food and Drug Administration to be unfit for human consumption.

It is time to restore Onondaga Lake to its former beauty. It is almost hard to believe that at the turn of the century the lake's shoreline was sprinkled with all the trappings of a tourist spot: hotels, amusement parks, beaches, and restaurants. While there have been improvements to water quality by upgrading some of the waste treatment facilities and by the closure of the Allied Chemical plant, there is much to be done.

The city of Syracuse is embarking on an ambitious project which will revitalize the waterfront area of the city. A mammoth shopping mall is currently under construction on the banks of the lake.

Federal funding is desperately needed to help in efforts to clean the lake. S. 27 not only authorizes these funds, it also establishes a lake man-

agement conference to be comprised of representatives of the U.S. EPA, the Army Corps of Engineers, the State of New York, Onondaga County, the city of Syracuse, a citizen's advisory committee and a technical advisory committee. This lake management committee will be responsible for recommending a course of action to clean the lake and will also identify other sources of funding.

The restoration of Onondaga Lake will surely be a centerpiece in the efforts to rectify the decades of abuse suffered by hundreds of other lakes across the country. Cleaning the environment should be a major priority as we enter the 1990's. I urge my colleagues to act on this legislation.●

THE TRENTON BUSINESS & PROFESSIONAL WOMEN'S CLUB, INC., CELEBRATES 75 YEARS

● Mr. LAUTENBERG. Mr. President, I rise to honor the Trenton Business & Professional Women's Club which is celebrating its 75th anniversary March 10, 1989. Since its founding in 1914, it has strived to promote the rights of women in the workplace and community. It has played an active role diligently working with all levels of government to set goals and make positive changes for women.

The club evolved from the Phyllis Club of the Young Women's Christian Association. It was founded by Emma Dillion and Roselle Bucknum, individuals who wanted to help preserve opportunities that had opened up for women by World War I; 1914 marked its founding and in 1916 its constitution was adopted.

In 1919 representatives of the New Jersey clubs founded the New Jersey State Federation of Business & Professional Women's Clubs. That same year, the Trenton club played an active role in forming the National Federation of Business and Professional Women.

The women's suffrage movement in 1920 emphasized women's awareness of issues and laws affecting them. The Trenton BPW's goal was to raise standards and to be a voice for working women. These goals were carried through with efforts by the State federation and the Trenton club's founder Emma Dillion.

The club has been a leading force in the struggle for equality and instrumental in supporting women's rights. In 1919 it supported the first national survey of working women, in 1920 the 19th amendment for women's suffrage, in 1937 along with the State and national federation the equal rights amendment for the first time, and in 1946 it began a political promotion project to support women in political office.

Since its founding, Trenton BPW has dedicated itself to elevating stand-

ards for working women. It has done so by stressing areas where a significant difference could be made; in legislation, education, and personal growth. Trenton BPW continues to actively participate in these areas through career advancement seminars, scholarships, and workshops. I commend Trenton BPW for the significant accomplishments achieved during its rich 75-year history and for continuing to confront the many challenges facing women today.

Several members will be honored the evening of March 10 for 50 years service to this outstanding organization. I applaud Eva R. Blake of Trenton, Lillian Miller of Hamilton Township, Mary G. Roebling of Trenton, and Helen Higgins of Yardley, PA, who will receive a Lifetime Member Award. These individuals have dedicated themselves to the goals of BPW for half a century. They have faced many challenges and have seen many changes.

I extend congratulations to all of you as you celebrate the Trenton Business & Professional Women's Club's diamond anniversary. May your good work continue for many years to come.●

PAN AM 103

● Mr. MOYNIHAN. Mr. President, news that Pan Am flight 103 had crashed in Lockerbie, Scotland, sent a shock wave through the world's public. That so great a disaster could occur, so close to Christmastime, was an idea which was both deeply disturbing and tragic.

For many, Pan Am 103 has become a memory. It is something that happened. We do not know who did it, and we may never know. It is a chapter of history, and history must move on.

But we cannot move on, we cannot fail to address the troubling issues raised by the crash. Who learned that a threat was made against a Pan Am flight originating in Frankfurt? Who evaluated that threat? Who was told? Why were others not told? How was such a powerful bomb smuggled on board an aircraft, and what prevents a similar bomb from being smuggled aboard another aircraft tomorrow?

There are questions on a more human scale as well. How did the Governments of the United States and Great Britain assist family members of the victims following the crash? Why have no personal effects recovered from the crash site been returned to the family members? These are serious questions. These are unanswered questions.

Mr. President, most of us need not live with these questions nagging us day and night. We may go home to our families, grateful that it was not our loved ones who were killed in the

crash. Hundreds of families are not so lucky. As they confront their grief, they compel this body and other organs of the Government to confront the issues raised by the downing of Pan Am 103.

The Committee on Foreign Relations plans hearings on this subject, and I understand that other committees will hold hearings as well. Hard questions will be asked. They will demand answers.

Mr. President, I ask that a statement by family members of the victims of Pan Am 103 be placed in the *RECORD* immediately following my remarks.

The statement follows:

GENERAL STATEMENT ISSUED BY FLIGHT 103 VICTIM FAMILY MEMBERS ATTENDING PRESS CONFERENCE, GRAND HYATT HOTEL, NEW YORK CITY, FEBRUARY 6, 1989

We are relatives of some of those innocent persons murdered in this wanton attack on Pan Am Flight 103, the most massive terrorist attack in history aimed at American civilians. During the past six difficult weeks, not only have we had to accept the senseless death of our loved ones, we were forced to confront the bureaucracy to have the remains of our loved ones returned, we have arranged for funerals, and attended along with over 160,000 others, numerous memorial services in Syracuse, New York City, and Lockerbie, Scotland, and scores of other cities and towns in the United States. We have had the support and sympathy from grieving relatives, friends, members of our communities, and individual airline employees. We have collectively received several hundred thousand cards and letters of condolence. The outpouring of sharing has been a great comfort to us.

However, there has been one quarter from which the response has been utter silence. We have received no condolences from the top officials of Pan Am nor the leaders of our national government. Unlike the British Government leaders, our President, Vice President, Secretary of State, and Secretary of Transportation have not attended any of the memorial services that were held. Not even 2nd level U.S. officials have been present. But most disturbing to us has been the utter silence of our national leaders over the past 6 weeks. Our numerous letters are not answered, we see no sign of action, we are not being informed of any events which would lead to answers to the many questions that remain. The question must be asked: Can it be that the U.S. Government policy is to ignore the Flight 103 bombing by doing little or nothing?

In the immediate aftermath of the Flight 103 bombing we were shocked to learn that the FAA (Federal Aviation Agency) had issued written alerts of a terrorist threat to bomb a Pan Am flight originating in Frankfurt during the pre-Christmas holiday period. These warnings had apparently been sent to U.S. embassies, the airline, British officials, and the U.S. military personnel in Frankfurt, however, the warning alert was not available to passengers or crew of Flight 103. President Reagan when asked about this policy of keeping warnings, even high level alerts secret from the public, asserted that so many threats are received that to make them available to the public could stop all air traffic. The FAA's own reports, however, show a relatively small number of threats to aircraft (400-500 per year out of 6 million flights) and a very small number of

high level threats (variously reported at 22 to 24 in all of 1988). The threat to Pan Am flight 103 after December 5th was apparently classified as such a high level threat. While the number of people who knew of the FAA terrorist alert is not known at present, the approximately 168 vacant seats on this usually crowded pre-Christmas flight indicates the distinct possibility that the alert was more widely known than has yet been reported.

Both the State Department, and the Transportation Department promised in late December a "review" of the policy on warnings, but the policy (or lack of policy) apparently remains intact and nothing further has been heard of this "review."

We believe the present defacto policy of issuing warnings of terrorist threats to government agency employees while withholding such alerts from the flying public and the flight crews is both immoral and possibly criminal and it must be roundly condemned. We call on U.S. Transportation Secretary Skinner to disavow this FAA and airline policy forthwith, and to make available upon request to any perspective international air passenger a current summary of FAA alerts or reported threats to aircraft and to require notification of flight crews.

The anger felt by many of us about suppressed warnings has been heightened by revelation that airline security measures cannot generally detect plastic bombs in the checked baggage. While the FAA and the airline have apparently known of this massive security gap since 1986 and the FAA has ordered new equipment to detect such bombs, no interim measures to detect such bombs were undertaken, apparently for reasons of commercial convenience.

Many questions need answers—How could warnings or alerts be suppressed when the FAA and airlines knew that their security measures were ineffective? By what right, and on whose authority, was the information on ineffective security measures and specific terrorist bomb threats kept from the public and flight crews? Why has the FAA and Pan Am still refused to institute effective security measures to detect plastic bombs in luggage compartments? (The FAA regulations issued on December 28, 1988 following the Flight 103 bombing call merely for X-rays of all luggage, which cannot with current equipment detect plastic bombs.)

We would like now to turn to some sensitive matters of direct concern to most relatives: The handling of the remains of unidentified victims and the indefinite delay in return of the personal effects of property. (Personal effects refer to very personal things removed from a body or found in the immediate vicinity of a body.)

A funeral service was held last week in Scotland for a number of victims whose bodies had not been fully recovered or identified. Unfortunately, only short notice or no notice was given to a number of American next of kin.

While family members were originally told in the week after the crash that personal effects would be returned to the next of kin with the bodily remains, and other property would be identified and returned by Pan Am, Scottish authorities subsequently ruled that they would handle these matters. Scottish authorities have stated that personal effects and property of Americans will be turned over to the U.S. State Department rather than released directly to the next of kin. Despite our request, no personal effects or property has been returned to the next of kin on the grounds that these items

may be needed in the criminal investigation of future criminal cases. While we appreciate that there may be good cause to hold some luggage found near the bomb blast, we believe the personal effects removed from the identified bodies should be returned to the victim families within the next week. Other victim property which is stored in a large factory warehouse in Lockerbie, should also be identified and returned. To date, despite several requests, no lost luggage forms have been sent to victim family members to accomplish this task. We call on the Scottish authorities, especially Scottish Home Secretary Malcolm Rifkind and the Scottish Lord Advocate, Lord Cameron of Lochbroom, to promptly authorize the release of victim personal effects and expedite the identification and return of other property.

In conclusion, we call on President Bush to act on the ideals he has championed. Please, Mr. President, break your silence and exercise your leadership to redouble the efforts of the Federal Government to identify and apprehend the perpetrators of this, the worst terrorist attack in history of American civilians. Use your power to restore genuine security for Americans traveling on American international air carriers. End the Government's present immoral policy of providing selective warnings and alerts to certain favored persons while keeping the public and airline employees whose lives are at risk in ignorance.

To the Congress which will decide the degree to which it will investigate the Flight 103 bombing over the next several weeks, we urge you to conduct a full and complete investigation. ●

SAVINGS AND LOAN CRISIS

● Mr. DASCHLE. Mr. President, one of the most serious problems we face today, aside from the national budget deficit, is the crumbling savings and loan industry. The one aspect of this crisis that concerns me the most is the extensive evidence of fraud and misconduct engaged in by savings and loan executives and insiders. I rise today to urge my colleagues to adopt strict enforcement measures as part of the comprehensive S&L crisis legislation that we will undoubtedly consider in the near future.

According to the General Accounting Office, an investigative arm of Congress, there have been "extensive, repeated, and often blatant violations of law and regulations" among the failed thrifts. In many of them, there have been "astoundingly egregious" conflicts of interest, self-dealing, deceit and bogus accounting. The American people have every right to be incensed when they read about thrift executives and insiders who used skimmed profits to buy jets, vacation homes, race horses, and jewelry, and to give lavish parties.

Estimates vary on the number of thrift failures that have involved fraud. In a recent study, the House Government Operations subcommittee concluded that three-quarters of more than 500 S&L insolvencies appear to be linked to fraud and misconduct.

The U.S. Attorney General gives a more conservative estimate of 25 to 30 percent. Either way, this situation is simply intolerable. The U.S. Attorney General further estimates that losses in savings and loan cases involving fraud and embezzlement amounted to over \$2 billion in 1988, alone.

It is an unfortunate fact that many of the illegally obtained funds have been spent in ways that preclude their recovery. That does not mean, however, that we should cease efforts to vigorously prosecute the individuals responsible, if only to deter future acts of fraud and mismanagement. We cannot allow these cases to sit unprosecuted or to settle suits in such a fashion that subsequent criminal prosecution is undermined.

It may be costly to prosecute, but statistics from 1987 and 1988 show that we can, at least, recover approximately \$2.40 for every \$1 spent in enforcement. The more we recover, the less taxpayers will have to pay to bail out the thrifths that these irresponsible individuals ran into the ground.

I sincerely hope that my colleagues will not lose sight of these very important facts as we consider a comprehensive approach to resolving the thrift crisis in the months ahead.●

ORDERS FOR TOMORROW

RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m. on tomorrow, Thursday, March 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I further ask unanimous consent that after the time for the two leaders there be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 9:45 A.M. UNTIL 12 NOON

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 9:45 a.m. the Senate stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that at 12 noon there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. I further ask unanimous consent that at 12:30 p.m. the Senate go into executive session to

consider the nomination of Senator John Tower to be Secretary of Defense.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

JOINT MEETING OF THE CONGRESS

Mr. MITCHELL. Mr. President, earlier today I indicated that at 10 o'clock a.m. on Thursday, tomorrow, there would be a joint meeting of Congress to commemorate the 200th anniversary of Congress' first meeting. The Senate will recess at 9:45 a.m. in order to accommodate the joint meeting.

Mr. President, do I understand that my colleague from Maine wishes time to speak?

Mr. COHEN. No more than 5 minutes.

Mr. MITCHELL. Perhaps I could yield to the distinguished Republican leader.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, the majority leader indicated what the schedule will be tomorrow. We will begin the Tower nomination at 12:30. I am not certain at this point how long that nomination may take. I assume that we will be in session on Friday and will be on the Tower nomination, if not completed tomorrow.

Mr. MITCHELL. That is my intention.

Mr. DOLE. Do we know how late on Friday? Is there any indication how late we might go?

Mr. MITCHELL. I have made no determination on that yet, and would consult with the Republican leader before making a decision in that regard.

Mr. DOLE. I think in accordance with the prior discussion, in the event that the Derwinski nomination might be available say late tomorrow, it could be taken up; if not, maybe next week. The only other nomination remaining would be the nomination of Mr. Pickering to be Ambassador to the United Nations, and the majority leader has indicated he is prepared to move on that at any time.

Mr. MITCHELL. Yes. As soon as the relevant committees act and the nominations are cleared, we will move to them promptly.

Mr. DOLE. I would just say for the record that we have had a number of discussions this afternoon, the Republican members of the Armed Services Committee and part of the leadership, on the Tower nomination. I have had a number of discussions with the Chief of Staff of the White House. And it will be our intention to have a full discussion of not only the reports

filed by both the majority and the minority, but a full debate of the Tower nomination. And I would say, again hopefully, we hope to focus on the merits of John Tower, not the demerits of anyone else.

It is going to be our effort as I have said in the past to try to get this back on a bipartisan track. It is still a nomination of great importance to the President. I met with the President last night. He feels strongly about it. He is willing to do whatever he might be able to do to bring about a successful conclusion—additional meetings with Senators, additional meetings with Senators and John Tower. Whatever the President can do he wishes to do because this is a matter of historic importance to the President.

It is early in his term. It would be the first time in history that a nominee was rejected at this point in a President's first term.

So this is a matter of great concern to the President, to John Tower, to the Republican leadership, and I would say, as I have said every time I have stood on this floor to discuss the Tower nomination, that we hope the door is not closed on the other side. And we are still optimistic that there would be some—if not persuaded now, at least we are going to hold their fire, keep their counsel who remain uncommitted until we have had a chance to get into the discussion of the facts.

I think that is where it is. We are prepared to discuss this at length or until we can persuade enough Senators, and if we cannot, certainly we will let the majority leader know at the earliest time when we may have a vote but it would probably be sometime next week. That would be my guess.

Mr. MITCHELL. I thank the distinguished Republican leader.

Mr. President, I understand that my colleague, the senior Senator from Maine, wishes 5 minutes.

Therefore I would like to ask unanimous consent that the senior Senator from Maine, Mr. COHEN, be permitted to address the Senate for 5 minutes, and immediately upon the conclusion of his remarks that the Senate stand in recess under the previous order until 9:15 a.m. on tomorrow, Thursday, March 2, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under that understanding the Senator from Maine is recognized for 5 minutes.

THE TOWER NOMINATION

Mr. COHEN. Mr. President, I shared in that leadership meeting with the minority leader this afternoon. A lot of questions were raised as to how we proceed from this point, how we bring the measure to the floor, and how we

conduct our deliberations on the floor in the debate.

I can only reassure my colleagues that we intend to have a rather vigorous debate because that is what is required in this Chamber. Something far more than John Tower's nomination is at stake in my judgment—although it is important to me that he be confirmed. What takes place here in this Chamber, what happens to the Senate as an institution, what rules are to be applied, what standards are to be raised, what compliance will be insisted upon, and whether it will be a double standard for us and those in the executive branch are issues that must be addressed. I was asked today whether or not there is a higher duty, a higher standard of behavior for those who serve in the executive branch, particularly the Secretary of Defense, and apparently Senator Tower indicated during his speech at the National Press Club today that he believed there was.

Perhaps so. But there also ought to be some uniformity of conduct. There ought not to be a situation in which we can cast stones through these glass walls of ours at a nominee and say that his conduct is unbecoming, and that he is not worthy of support by either the President or indeed this body.

There will be extensive debate about what the standards ought to be for our own behavior as well as that of the nominees for the executive branch.

I say this by way of reference to a speech that John Tower gave at the National Press Club this afternoon. It is an important speech. It talks about substance. It deals with the most important aspect of his nomination. That is his qualifications, his intellectual capability, his experience, his vast experience in the field of defense and foreign policy issues. These characteristics have been clouded by a host of allegations, rumors, inspired innuendo, false accusations, all of which have been reprinted or televised over the evening news to his great detriment.

This speech attempts to put things back on track; to talk about substance, to talk about the kind of choices that are facing the Defense Department, and the kind of leadership that John Tower would hope to bring to the position of Secretary of Defense.

Mr. President, I ask unanimous consent that it be printed in full in the *RECORD* at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. COHEN. I would like to offer a couple of comments about the report that has been filed on behalf of the majority.

In my judgment, it is a very obvious brief for the prosecution as such. It is very precise in the use of language and

remarkably vague in factual support of some of the allegations contained in the document.

One of the issues that is most troubling to me is the notion that John Tower somehow must be disqualified from being Secretary of Defense because of the appearance issue. I do not believe there is any room here for a double standard. In this particular case, I think it is very difficult for any Member of the U.S. Senate to disqualify John Tower based upon an appearance of conflict. We have to weigh the appearance against the actuality. If we start disqualifying people based upon appearance of conflict, I would respectfully suggest that we may have to disqualify most of the Members of this body from ever passing upon legislative matters, because we have not only solicited but received contributions from the various sources over which we have legislative jurisdiction and indeed pass, on an annual basis, upon the merits or demerits of their respective claims. I do not believe there is any room in this particular case for having a double standard, and that appears to be the case. We are judging upon appearances of conflict as opposed to the actual facts.

During the course of the next day or several days I believe we will be able to make a very persuasive case that the chance for an appearance of a conflict with John Tower is much less than that of ourselves. There are few checks against our excesses and many against potential ones in the executive branch. I think we will have a great deal to talk about in weighing the evidence.

I also want to say one other thing. All of the members of the Armed Services Committee—and we draw upon our experience—have said publicly that they have never seen John Tower under the influence, drunk, or conducting himself in any way that would bring disrespect to himself or his office. This is our actual experience. Yet, we are now asked to weigh that experience against something contained in the FBI reports. Most of the public does not understand what constitutes an FBI report. They assume it carries some notion of sanctity, of its accuracy, of truthfulness of what is being said in those reports, when, in fact, it is simply a giant vacuum cleaner that sucks in all of the information and statements that people make, whether based in fact or fiction or fantasy, or the product of a bizarre imagination. All of this information goes into the FBI report. It is not digested. It is not scrutinized, and it is not criticized. It simply goes in.

So we weigh our experience against allegations contained in the FBI report, and I think that it raises a serious issue as to how we go about conducting confirmation hearings in the future. If we are going to reject a

nominee based upon the FBI files rather than our own experience or that which is taken in open and public session, I think we have to seriously reexamine the process itself.

That bears upon not only John Tower but also the future and integrity of the process before the U.S. Senate.

EXHIBIT NO. 1

REMARKS BY JOHN TOWER BEFORE THE NATIONAL PRESS CLUB, MARCH 1, 1989

I would like to speak today about problems of a broad scope and long-term significance; in short I would like to talk about the questions that normally occupy the mind of a nominee for Secretary of Defense.

It is clear that a majority of the American people lack confidence in the way the Pentagon is managing their defense dollars. The President is very concerned about this attitude and has charged me with restoring public and congressional confidence by renovating the Pentagon's massive management structure and conducting a fresh review of our forces.

The primary responsibility of the Secretary of Defense is to ensure that our military forces are prepared and the policies that guide them will ensure the security of the Nation. His advice to the President and his proposals to Congress need not be popular, but they must be right. For in no other agency lies the responsibility for the security of this country and the lives of so many men and women serving voluntarily throughout the world.

The overall military force we have planned for is not the force we can afford. It is imperative that the Secretary of Defense wring out every ounce of efficiency he can find in the Department and insure that fewer dollars are spent wisely. It is really as simple as that.

Significant and painful cuts will be made; cuts that are prudent—yes; cuts that do not endanger our security—certainly; cuts that reflect a thoroughly worked out strategic design—absolutely; but cuts that will create a storm of debate both inside and outside the Pentagon. But then we are prepared to face such storms.

We all understand the current budget crunch. The reductions President Bush and I have agreed upon are both necessary and significant. We have already determined that in order to meet the Gramm-Rudman target, \$6.3 billion will be taken from the fiscal year 1990 budget. These cuts come on top of 4 straight years of defense decline, in which our military budget dropped 11 percent in real dollars. We must make certain that in making these cuts, efficiencies are enhanced and our security insured.

We should be proud of the significant and necessary resurgency of our military power under Ronald Reagan. I make no apology for my support of that effort, and I look back with considerable satisfaction to the deep bipartisan support that helped America regain her credibility in the eyes of the world.

But the 1980's are behind us. We do not disparage the real achievements of the Reagan administration when we note that the 1990's offer us some distinctly different challenges and threats—and that our response to new situations will not be to fall back on old ideas.

That is why I have spent much of the past month in the midst of two important initiatives mandated by President Bush. First, a

comprehensive review of America's national defense strategy; and second, the development of a plan for implementing sorely needed reforms of Defense Department Management and Procurement Practices.

Our review of the strategic options open to President Bush has gone virtually unnoticed in the General Clamor surrounding my nomination. It has been in the works for many weeks, and it is a serious undertaking.

Given the choices and cuts that lie before us, it only makes sense to begin the administration by stepping back from our current situation to see the world as a whole—and by assessing the trends and uncertainties that will affect global politics in the 1990's and beyond. Nothing would be more dangerous than to enter into an exhaustive reworking of our budgets and programs without first attempting to understand the threats and challenges that are likely to shape that future world. Moreover, we cannot risk a dangerous mismatch between resources and strategy. Our review will insure that that does not happen.

In assessing our strategy, we must first look at dominant trends. Some are encouraging:

Our friends and allies have grown in economic strength and self confidence.

The Soviet Union seems to be undergoing unprecedented reform and has told us of a "new thinking" in foreign and military affairs.

In Latin America and Asia, the forces of democracy and the free market appear to be boldly on the march.

But this is not the whole picture. The future of Secretary General Gorbachev's reforms is cloudy—not only because their success is in doubt, but because we cannot be certain what his reforms really mean for Soviet foreign policy until we see more concrete action. Moreover, Libya and other hostile states are procuring ever more lethal weapons that seriously threaten world peace. The sobering truth is that even if the Soviets become less of a threat, the world will remain a dangerous place indeed.

The defense strategy review has several aspects:

The review will analyze how current trends and uncertainties affect the appropriateness and effectiveness of our national defense strategy for the 1990's. It will identify those elements that should continue to guide our strategy and those elements that should be reexamined.

The review will address specific force posture issues in light of the reexamined national defense strategy and current budget constraints. The goal will be a military force that provides the most effective deterrent while offering the greatest competitive leverage for our defense investment.

The review will examine how arms control can be used to enhance our national security objectives. It will examine the basic premises underlying our approach to current and prospective negotiations and insure that they are consistent with our defense strategy and force posture.

The issues that we will confront in this defense strategy review are some of the most difficult in Government. We face critical choices in both strategic and general purpose forces—ICBM modernization; SDI; the manning and composition of our land, air, and naval forces; and the mix of active and reserve components. We must make sound judgments about what national security demands and what budget constraints permit.

We must also take a dispassionate look at our arms control policies. As we all know,

arms control is not a disembodied program, but rather one vital element of national security policy. We must be clear on the role arms control should play. Arms control agreements must enhance the security of the United States and her allies. In the Bush administration, arms reductions negotiations will complement our overall strategic design, not the other way around.

Of course, as we review our defense strategy and capabilities, we must remember one critical point. Rebuilding our military strength over the past 8 years was critical to our foreign policy successes. And maintaining that strength in the 1990's will be no less so. It would be shortsighted indeed to conclude that because we now seem to face a more peaceful world, we can neglect a critical reason for current global stability—America's military power. The world still holds serious threats to the free world. While there are hopeful signs, there is still more promise than performance. The challenge of our strategy review is to assess how, with limited resources, we can preserve our strength, and our alliances, and meet our commitments around the world.

As our defense strategy review will mold the forces of the decade ahead, so too will it frame the most immediate concern of the Secretary of Defense—reforming the way the Department does business.

I have said plainly and repeatedly—before the Republican Platform Committee in July 1988, during my time with the Bush campaign, in my meetings with the President and his key advisors, and most recently in my testimony to the Senate Committee—that the Defense Department must take a cold hard look at its Management and Procurement Practices. This is something to which the President and I assign urgent priority. At the President's direction, we are well into an extensive management review of the Department. Over 2 years ago, the Packard Commission reported on the ways and means to reform our system of buying weapons. The President and I embrace the Commission's recommendations and they will be implemented with the utmost urgency they require.

Over the years literally mountains of paper and seas of ink have been given over to management reform reports. The Bush administration has no intention of adding yet another hollow call for change.

The President wishes us to build on the best from the past, to take account of current realities and to give him by May a course of action for fundamental reform. We will detail specific actions that need to be taken to implement changes in four key areas: people and organization, defense planning, acquisition practices and procedures, and government-industry accountability.

We know that our system for buying weapons is encumbered by too many people and too many layers of bureaucracy. There must be cuts.

We know that running the Department demands a highly skilled and professional military and civilian workforce. Here, there must be improvements.

We know that the system is choked by a thicket of laws and unspeakably ponderous regulations, which cost time and money. Congress and the administration must address the problem.

We know that there are buying practices and procedures—identified by the Packard Commission and a host of other experts—that can give us better weapon systems, in less time and for less money. We must make the bureaucracy dance to a different tune.

Allegations of corruption and abuse are all too common fare. The public's trust in the Pentagon must be restored. It must be made crystal clear that we have zero tolerance of abuses and abusers.

The Department of Defense sometimes moves like an arthritic turtle and can find the most innovative ways to maintain business as usual. That has got to stop. The defense bureaucracy can be reshaped, but only if people can be mobilized into action. Leadership can energize the individual initiative of every man and woman in the Department, and shift the course of events.

In managing the Department, subordinates must have the authority and the backing to do their jobs effectively. They should be held strictly accountable for the results of their decisions. The issue here, of course, is one of competence and integrity. These attributes are not lacking in the Pentagon, and they need only be tapped by an aggressive and hard-nose Secretary.

The same high standard of accountability should extend to the private sector as well. We cannot tolerate people in Government or industry who fall in their responsibilities to the men and women of our Armed Forces. Our military depends on nuts and bolts and sheet metal. We cannot be satisfied with anything but the best. Our attitude must be one of zero tolerance of abuses of the system. The guilty will bear the full brunt of the law.

These efforts cannot take second place in the Secretary's mind. They must sit at the center of his desk, they must be his day-to-day concern. I have no illusions that the way the Department should be handled will make the Secretary a universally loved individual. Popularity, as you may have gathered, has never been my strong suit. That in itself should be a powerful recommendation.

As some of you have suggested in your news reports, I've spent a great deal of time thinking about what I might do as Secretary of Defense. I have shared my philosophy with the President; now let me address this larger audience.

Secretary of Defense is a profound responsibility in terms of the global scope of his concerns. In a narrower sense, however, a Secretary makes decisions that, taken together, determine whether our Nation has the wherewithal to act when we must. Defense decisions can have no criterion save the preparedness of our military forces. There can be no favorite weapons—only effective weapons. Each service must understand that the Secretary of Defense is a person who can—and frequently does—say no. And under current conditions, "no" is a word that must slip easily off the Secretary's tongue. There can be no favored contractor—only effective and honest ones. Defense contractors, by their performance, earn the responsibility—yes, the responsibility—to craft America's weapons.

A Secretary of Defense must select and lead top-notch subordinates to fulfill his mandate. Indicative of the leaders the Bush administration will recruit is candidate for our Deputy Secretary—Donald Atwood. A proven General Motors leader with extensive engineering and managerial experience, Mr. Atwood exemplifies the high standard we will demand in our defense appointees. And let me note that one of the things that recommend Don Atwood is his experience with defense industry. In his position, as in others, ignorance of the defense industry is no virtue.

Ultimately, however, the Secretary of Defense is in charge. He will be the person who

must ensure that the President's vision and sound principles are brought to bear in defense decisions. He must ensure that the hard choices are faced, that the necessary cuts are made, that the necessary reforms are carried out. And he will accept responsibility for the results of his stewardship.

A Secretary, of course, cannot escape controversy. But if he makes sound choices, Congress and the American people will be the first to applaud. When billions had to be backed out of the defense budget, Frank Carlucci decisively cut programs and force structure, and Congress properly praised him for eschewing "business as usual."

A "business as usual" Secretary is not good enough. I want it said: "Tower never flinched." Major and expensive systems will not survive the defense strategy review. I cannot give you a "cut list" of weapons, because such cuts should follow, not precede our strategy review. But in making those cuts, I will not succumb to the temptation of stretch outs and postponing the tough decisions. Nor will I assume that any weapon, or any force structure is, sacrosanct.

With clear policy direction and consistent oversight, the personnel of the Defense Department should be given the chance to do their jobs to the best of their ability. We have over 2 million willing, capable and dedicated people in the Department who, if given the chance, can play a major role in providing for a strong and fiscally sound national defense. I intend to give them that opportunity—and to hold them, as I ask you to hold me, accountable for the results.

RECESS UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until tomorrow.

Thereupon, the Senate recessed at 5:21 p.m. until tomorrow, Thursday, March 2, 1989, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1989:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LOUIS W. SULLIVAN, OF GEORGIA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF ENERGY

ADM. JAMES D. WATKINS, U.S. NAVY, RETIRED, OF CALIFORNIA, TO BE SECRETARY OF ENERGY.

DEPARTMENT OF STATE

ROBERT MICHAEL KIMMITT, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS.

MARGARET DEBARDELEBEN TUTWILER, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF STATE.

JANET GARDNER MULLINS, OF KENTUCKY, TO BE AN ASSISTANT SECRETARY OF STATE.

ROBERT B. ZOELLICK, OF THE DISTRICT OF COLUMBIA, TO BE COUNSELOR OF THE DEPARTMENT OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD W. YATES, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE UNDER PROVISIONS

OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES G. ANDRUS, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. MALCOLM B. ARMSTRONG, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOHN L. BORLING, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. STEPHEN B. CROKER, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. GERALD A. DANIEL, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. LAWRENCE E. DAY, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. THOMAS E. EGGERS, ~~xxx-xx-xxxx~~ REGULAR AIR FORCE.

BRIG. GEN. HOWELL M. ESTES, III, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. FREDERICK A. FIEDLER, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. RICHARD E. HAWLEY, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOHN E. JACKSON, JR., ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. ARLEN D. JAMESON, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JEFFREY D. KAHLA, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. DONALD L. KAUFMAN, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. VERNON J. KONDRA, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. PAUL E. LANDERS, JR., ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOHN D. LOGEMAN, JR., ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. BRUCE J. LOTZBIRE, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. BILLY G. MCCOY, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. BURTON R. MOORE, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOHN M. NOWAK, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. GARY W. O'SHAUGHNESSY, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. DAVID C. REED, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. PETER D. ROBINSON, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. RICHARD M. SCHOFIELD, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOHN D. SLINKARD, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. JOSEPH K. STAPLETON, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. KENNETH E. STATEN, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. WILLIAM A. STUDER, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. ROBERT F. SWARTS, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. SAM W. WESTBROOK, III, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

BRIG. GEN. FRANK E. WILLIS, ~~xxx-xx-xxxx~~ FR, REGULAR AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DONALD F. FERRELL, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. CECIL W. GREENE, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. JOHN M. HAFEN, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. JAMES R. MERCER, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. FRED D. WOMACK, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. GORDON M. CAMPBELL, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES W. CHAPMAN, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DONALD L. COLEMAN, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOSEPH E. COPENHAVER, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. STEPHEN P. CORTRIGHT, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN F. FLANAGAN, JR., ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RICHARD W. GODFREY, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. HUGH S. HARRIS, JR., ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. TALMADGE R. HOWELL, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES A. MELVIN, III, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RAYMOND E. MOORMAN, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. SCOTT L. PHILBRICK, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DARREL D. THOMSEN, ~~xxx-xx-xxxx~~ AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. RICHARD A. FREYTAG, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

BRIG. GEN. ANGELO J. PERCIBALLI, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

BRIG. GEN. JOHN D. RIDDLE, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

BRIG. GEN. JULIO L. TORRES, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

BRIG. GEN. DUANE A. YOUNG, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

To be brigadier general

COL. LAWRENCE B. ANDERSON, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. LARRIE C. BATES, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. JOE L. CAMPBELL, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. CHARLES B. CASSON, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. ROBERT T. CETOLA, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. GERALD R. CHANCELLOR, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. WAYNE E. DELAWATER, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. WILLIAM W. DIDLAKE, JR., ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. GEORGE A. HALL, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. THOMAS L. NEUBERT, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. THOMAS E. PENICK, JR., ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. ROBERT L. TATE, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. VERNON R. TATE, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

COL. WILLIAM F. WILLOUGHBY, ~~xxx-xx-xxxx~~ FV, AIR FORCE RESERVE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. WILLIAM L. KIRK, ~~xxx-xx-xxxx~~ R, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. MICHAEL J. DUGAN, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JIMMIE V. ADAMS, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOSEPH T. PALASTRA, JR., ~~xxx-xx-xxxx~~ U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR PERMANENT PROMOTION IN THE UNITED STATES ARMY IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES:

IN THE ARMY

To be brigadier general

COL. JOHN EVANS HUTTON, ~~xxx-xx-xxxx~~ U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ANDREW P. CHAMBERS, ~~xxx-xx-xxxx~~ U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN J. YEOSOCK, [xxx-xx-xxxx] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

BOBBY G. BUTCHER.	WILLIAM M. KEYS.
WALTER E. BOOMER.	JEREMIAH W. PEARSON
MATTHEW P. CAULFIELD.	III.
DONALD R. GARDNER.	JOHN A. STUDDS.
JOHN I. HOPKINS.	

THE FOLLOWING-NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

G. RICHARD OMRON.

THE FOLLOWING-NAMED OFFICER FOR ASSIGNMENT AS DEPUTY CHIEF OF STAFF FOR MANPOWER AND RESERVE AFFAIRS, UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN I. HUDSON, [xxx-xx-xxxx] 9903 USMC.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. RICHARD M. DUNLEAVY, [xxx-xx-xxxx] 1320, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DIEGO E. HERNANDEZ, [xxx-xx-xxxx] 1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JERRY O. TUTTLE, [xxx-xx-xxxx] 1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PAUL D. BUTCHER, [xxx-xx-xxxx] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RAYMOND P. ILG, [xxx-xx-xxxx] 1310, U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

DENTAL CORPS (2200)

MILTON CHIPMAN CLEGG.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

DANIEL B. LESTAGE. DONALD FLOYD HAGEN.

SUPPLY CORPS

BRADY MARSHALL COLE.

FRANCIS LEONARD FILIPAK.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

DENTAL CORPS OFFICER

WILLIAM BERNARD FINAGIN.

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

RICHARD IRA RIDENOUR.

SUPPLY CORPS

RAY RUPCHAND SAREERAM.

PETER ALBERT BONDI.

WILLIAM RICHARD MORRIS.

JAMES PATRICK DAVIDSON.

CIVIL ENGINEER CORPS

JACK EUGENE BUFFINGTON.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING EUGENE R. ANDREOTTI, AND ENDING ROBERT D. WENDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING NORMANDO R. NEPOMUCENO, AND ENDING JOHN S. WELDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING RONALD J. BERGMAN, AND ENDING TERRY D. MARSHALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING VIRGINIA V. RENOUDET, AND ENDING DONNA C. THERIOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR THOMAS R. BECKMAN, [xxx-xx-xxxx] AND ENDING MAJOR SUSAN J. AUGUSTUS, [xxx-xx-xxxx], WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR SIMEON D. BATEMAN, III, [xxx-xx-xxxx] AND ENDING MAJOR NANCY A. SAAGER, [xxx-xx-xxxx], WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING JOHN S. BAXTER, AND ENDING MELINDA L. WINTERSCHIED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING ROGER M. ASHLEY, AND ENDING RONALD L. MULL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING RAWSON G. ABERNETHY, AND ENDING THOMAS L. ZIEMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING PATRICK K. ADAMS, AND ENDING ROBERT L. WHITAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR TIMOTHY E. BREUHL, [xxx-xx-xxxx] AND ENDING MAJOR CAROL M. THOMAS, [xxx-xx-xxxx], WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MAJOR TRUMAN W. CRAWFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING JOEL M. CHRISTY, AND ENDING DANIEL H. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING ROBERT A. BALLARD, AND ENDING STEPHEN C. ZIDEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

MARINE CORPS NOMINATIONS BEGINNING CHARLTON P. ADAMS, AND ENDING DANIEL H. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BENJAMIN T. PO, AND ENDING LARRY S. GARSHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING DANIEL M. DEL SOBRAL, III, AND ENDING MARK M. ADAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING GREGG E. BAUER, AND ENDING THOMAS J. PAPADIMOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING WILLIAM J. PARKER, III, AND ENDING WARD L. WITHERSPOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING JOHN BRECKA, AND ENDING FRANK PEIFFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING RALPH ALBANESE, AND ENDING JONATHAN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING LAWRENCE N. ABRAMS, AND ENDING MICHAEL E. ZWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 3, 1989.

NAVY NOMINATIONS BEGINNING CAL D. ASTRIN, AND ENDING RUFUS M. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 2, 1989.

NAVY NOMINATIONS BEGINNING SCOTT GREGORY ABEL, AND ENDING GLEN ALAN ZURLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 2, 1989.